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JOURNAL OF THE SENATE
NINETY-SECOND GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 7, 2004

The Senate was called to order at 12:00 noon by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"Hear my prayer, O Lord; give ear to my supplications in your faithfulness; answer me in your righteousness." (Psalm 143:1)

We pray to You, O Lord, as we begin anew this session facing many of the challenges we faced last year with new concerns that make us mindful of our need of Your guidance and help. Bless us daily with Your presence and grant us discernment. We ask also for Your comfort and presence for Senator Kennedy's family as we remember his mother Catherine's death and pray Your mercy and peace abide with them. And we pray for Michael Keathley as he goes through surgery this afternoon; guide the doctors and those who treat him and touch him with Your healing power. In Your Holy Name we pray. Amen.

The Boone County Fire Protection District Honor Guard and Pipes and Drums presented the Colors.

The Pledge of Allegiance to the Flag was recited.

Mr. Neal Boyd, St. Louis, performed the National Anthem.

Senator Gibbons announced that photographers from the Boone County Fire Protection District, the Senate, the Associated Press, KOMU-TV, KMIZ-TV, Jefferson City News Tribune, St. Louis Post-Dispatch, KQTV-2, WGEM-TV, the Kansas City Star, and KY3-TV, had been given permission to take pictures in the Senate Chamber and the Boone County Fire Protection District photographer and the Senate photographer had been given permission to take video and use flash in the Senate Chamber and the Senate Gallery today.

MESSAGES FROM THE
SECRETARY OF STATE

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, MO

Madam:

I, Matt Blunt, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 11th Senatorial District in the State of Missouri, on the 4th day of November, 2003, as provided by law, the following named person was elected to the office of State Senate, 11th Senatorial District as shown by the election results certified to this office by the election authorities of the 11th Senatorial District.

Name Office

Victor Callahan State Senator

132 East Short 11th Senatorial District

Independence, MO 64050

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 20th day of November, 2003.

(Seal) /s/ Matt Blunt

Secretary of State

Also,

To the Honorable Senate of the 92nd General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri 2002, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 92nd General Assembly (Second Regular Session) of the State of Missouri, elected at the November 7, 2000 General Election, the November 5, 2002 General Election and a Special Election November 4, 2003.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 7th day of January, 2004.

/s/ Matt Blunt

(Seal) SECRETARY OF STATE

MISSOURI STATE SENATORS

92nd General Assembly, Second Regular Session

Elected November 5, 2002

District	Name
2nd	Jon Dolan
4th	Patrick Dougherty
6th	Carl Vogel
8th	Matt Bartle
10th	Charles Wheeler
12th	David G. Klindt
14th	Rita Days
16th	Sarah Steelman
18th	John W. Cauthorn
20th	Dan Clemens
22nd	Steve Stoll
24th	Joan Bray
26th	John Griesheimer
28th	Delbert Scott
30th	Norma Champion
32nd	Gary Nodler
34th	Charlie Shields

MISSOURI STATE SENATORS

92nd General Assembly, Second Regular Session

ELECTED NOVEMBER 7, 2000

District	Name
1st	Anita T. Yeckel
3rd	Harry Kennedy
5th	Maida Coleman
7th	John Loudon
9th	Mary Groves Bland
11th	Victor Callahan*
13th	Wayne Goode
15th	Michael R. Gibbons
17th	Edward E. Quick
19th	Ken Jacob
21st	James L. (Jim) Mathewson
23rd	Chuck Gross
25th	Bill Foster

27th	Peter Kinder
29th	Doyle Childers
31st	Harold L. Caskey
33rd	John T. Russell

* Elected at Special Election held November 4, 2003 to fill vacancy created by the death of Ronnie DePasco.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Dolan--1
The Lieutenant Governor was present.

The President declared the Second Regular Session of the 92nd General Assembly convened. **RESOLUTIONS**

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1074

BE IT RESOLVED, by the Senate of the Ninety-second General Assembly of Missouri, Second Regular Session, that the rules adopted by the Ninety-second General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Ninety-second General Assembly, Second Regular Session.

Senator Gibbons offered the following resolution, which was read and adopted:SENATE RESOLUTION NO. 1075

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Ninety-second General Assembly is duly convened and is now in session and ready for consideration of business.

President Pro Tem Kinder assumed the dais and delivered the following address:

Senate President Pro Tem Peter Kinder

Opening Address

Second Regular Session, Ninety-Second Missouri General Assembly

January 7, 2004

Ladies and gentlemen, friends and family, distinguished guests, Lt. Gov. Maxwell and the members of the Missouri Senate;

Today it is my privilege to welcome you as we convene the Second Regular Session of the Ninety-Second Missouri General Assembly.

The opening of any legislative session is an important event. Each session is different. Each is special. This session is remarkably so. Eleven years ago, when I was first sworn in to this body, the Senate was composed of lawmakers with decades of experience.

Today, we begin the last session in which these veteran lawmakers -- some with 40 years of legislative experience -- will be with us. Rest assured that we will ask much of you -- and your knowledge and experience -- as we work to best serve the citizens we represent.

Today, we also welcome a new member to our chamber, the Senator from the 11th District. Senator, we are delighted that you have joined our family. This is a special place, and serving here is a special privilege. We are glad you are with us, and we stand ready to help you and the citizens of the 11th District you represent here.

The past seven months have also seen great sadness visited on the Senate family, as we lost three of our great members. First was incumbent Ronnie DePasco, whom we lost in June. The months that followed saw the sudden deaths of former Sen. J. B. "Jet" Banks and Sen. Danny Staples. In these three beloved members, I count a former majority floor leader, an assistant majority floor leader and a bona fide majority character. All three were cherished, as each made major contributions, and each will be sorely missed.

In the same way each legislative session is special, so too, this Senate is special. Each branch of government, each legislative chamber, plays a unique role in our system of government. I -- like many of you -- place great stock in the rich heritage and traditions of the Missouri Senate. It is like no other legislative body. Perhaps our most essential tradition -- that of working together as Senators -- serves our citizens and this state especially well.

It is in this way that we have -- and always shall -- place our citizens first; first before politics, first before individual interests, first before special interests.

Like any family, we have our differences. Honest, reasonable people can differ, and will, often vigorously. Yet only unreasonable people reject civility as we work through these differences. Here, let us strive to maintain this tradition to truly serve the best interests of everyone.

The great English writer John Donne shared with us that "No man is an island unto himself." Nor, I might add, does a single legislative body constitute a government.

Today, as our session begins, let us renew our commitment to work with the House of Representatives, the state departments, and our Governor in a spirit of bipartisan cooperation.

Although we may be from different areas, different backgrounds and different political parties, we are all Missourians. Let us work together as Missourians in a way that puts the people of Missouri ahead of the politics of Missouri -- and of the United States.

I pledge cooperation with the Governor on proposals based on principle, sound financial policy and the best interests of the citizens.

I am confident that the House of Representatives and the Governor will join us in working to assure that placing the people ahead of politics is a principle that stands above compromise.

As we convene today, great challenges lie before us. Our foremost challenge, I believe, is assuring our state is guided in the right direction -- that we are moving forward on the right track.

As citizens, do we ourselves believe Missouri is on the right track by gaining 7,000 jobs, but losing 77,000 jobs?

Are citizens reassured when school budgets are cut while millions are spent on bathroom renovations in the Capitol -- over our objections?

Do citizens find comfort in paying fuel taxes for abandoned road projects or to drive over crumbling highways while we divert that fuel tax money to other departments of state government?

Does a company trying to bring in hundreds of new jobs find any reason why their permits are subject to endless delays while DNR finds time to plan an expansive new \$17 million building?

Is our own Tax Policy Committee reassured when the director of Economic Development testifies that the reason they gave millions in tax credits to companies that didn't exist was because their budget was too small?

What can we say to grieving families whose children were removed by DFS to a most tragic end?

What do our state workers think when we give them a \$50 a month raise, and this administration advances a rule to take half of that back in service fees to be paid to unions they choose not to join?

Do we ourselves take comfort in the state spending millions in renovating this chamber, only to have a chandelier fall to the ground, and learn that until last week, none of these lighting fixtures had a safety cable attached?

Chandeliers do not have the privilege of this floor. But we do. And, we must use that privilege to set Missouri on the right track. We must do so in a way that reassures citizens that we can do the job of governing, that we are responsible stewards of their hard-earned tax dollars and that they are getting the best possible state government, bar none.

To do this will require a new direction in fiscal accountability for Missouri government.

Last year, the governor of this state proposed a budget that was balanced on more than \$700 million in revenue that did not exist. Imaginary revenue. Revenue from taxes that did not exist, had not been approved by this body, had not been placed on the ballot and had not been approved by voters.

We did not pay for programs in the current fiscal budget with imaginary revenue. We cannot pay for programs in the new budget with imaginary revenue.

A couple of weeks ago, supporters dropped a plan that sought to place an "emergency tax increase" on the ballot. Those who had supported it abandoned the plan for one simple reason: There is not sufficient public support for a general tax increase in Missouri.

The people are telling us we must live within our means. And we shall live within our means.

During the first six months of this fiscal year, we are delighted that revenue collections are up by almost six percent over last year. That means our state is pulling out of its economic recession. Finally.

Let's give credit where credit is due: to hard working Missourians, the innovation of entrepreneurs and the determination of Missouri business and industry to succeed often in spite of, rather than because of, government programs, red tape and taxes.

Last year, this General Assembly stood firm against the call of the Governor and special interests in this state for higher taxes.

Had we not been firm in our resolve -- had we not stopped higher taxes -- the economic recovery now underway would not have been possible. Government would have consumed the growth, strangling the emerging recovery in its cradle.

Higher taxes is not the answer; smarter, more efficient, more accountable government is the answer.

Let smarter government begin here today.

Let us consider a cap on state spending. Let us establish a panel to review every state program every five years to make sure each program is absolutely essential and is running efficiently.

Let us ask the people whether they want fuel taxes to fund road repairs or to subsidize state departments.

Let us restore the confidence of our citizens in their government by establishing a commission guarding against the waste, fraud and the abuse of their tax dollars.

Let us give our full support to our joint Committee on Tax Policy as it works to review tax credits -- especially those that have been issued to companies that don't really exist.

Let us restore the confidence of citizens in their right to be informed by strengthening our state's sunshine laws. And let us restore the safety of our communities by stricter enforcement -- and disclosure -- of sex offender registration in our state.

One way in which we can restore citizen confidence is by continuing our prudent stewardship of the resources they provide for state programs and services.

Writing the state budget has always been one of the biggest jobs facing the Legislature each year. This past session, I was proud of the way our Senate Appropriations Committee worked in bipartisan fashion to secure a balanced, fair and workable state budget, and how this committee resolved to make tough budget choices under difficult circumstances.

This year, we again face tough choices. This year, again, the Senate will take most seriously the responsibility of passing a responsible, balanced budget with available revenues.

This must be complemented by policies that encourage departments and programs to be managed more effectively, reduce waste and inefficiency, and make the maximum use of available resources.

We have an opportunity to review these policies -- from taxation to the foundation formula -- including tax policies to support businesses in Missouri, rather than in other states, by closing so-called loopholes.

I believe that each of us here want to provide proper and adequate funding for our public schools, for our colleges, for our senior citizens and for our programs to help children and families.

Let us help education by assuring that dollars go to teachers and classrooms, instead of administrative budgets.

Rather than wasting money on promotions for a program too few seniors now find worthwhile, let us review our state's SeniorRx program and reshape it so that it fills the "donut hole" in the new federal prescription program enacted just a few months ago.

And, for the sake of our state's most at-risk youth, let us continue our efforts to restructure the state's Division of Family services to better protect our families and incorporate successful private sector programs that can better protect children who truly need our help.

We can and we must make improvements in these areas to assure that our state is moving in the right direction.

In addition to improving the fiscal accountability of Missouri state government, we must also set our state on the right track for job growth and economic development.

We as a state have endured the loss of more than 77,000 manufacturing jobs. Yet, manufacturing remains an important mainstay of our economy. This past year, the great American motorcycle company, Harley Davidson, enjoyed an increase in sales of 23 percent. Not only is this a great American company, it is also a great Missouri company, bringing jobs to Kansas City and St. Joseph.

Last year, Speaker Hanaway and I joined Gov. Holden in working with Ford to keep 2,600 jobs at the Hazelwood plant. Boeing is receiving contracts that will strengthen this company that is a national stalwart in meeting our transportation and our defense needs.

These and countless other Missouri companies need our help and support. They need less red tape, more efficient government cooperation and a pro-jobs environment in which they are empowered -- not hindered -- by government to succeed in the highly competitive marketplace.

Let us help these companies by reaching a proper and intelligent resolution to issues involving workers compensation in our state.

Let us help consumers and businesses by working together to address the costs of litigation and extreme jury awards.

This issue is affecting the quality of life of Missourians ranging from the availability of health care to the cost of consumer products.

As each of us knows, doctors are leaving Missouri. The people expect positive reform out of us, not slavish subservience to special interests.

No frivolous lawsuit has ever cured a sick or injured Missourian. Let us work together for common-sense improvements that protect workers, businesses, health-care providers and consumers alike.

In addition to supporting our traditional economic sectors, we must also set our state on a proper course toward a new, knowledge- and service-based economy.

Life sciences research means jobs for Missouri. Life science research means a better future for all of Missouri. Today, I ask your consideration in joining me in supporting a proposal by our University of Missouri system to improve its facilities in St. Louis, Columbia, Rolla and Kansas City to expand life-sciences and agriculture research.

These new facilities will increase the endowed professorships, attract millions of dollars in federal and private research investments, and stimulate our economy through more jobs for working Missourians both today and in the future.

The benefits of this science and research are essential. As the nation's second-largest beef producing state, life science and agricultural research is essential to maintaining this vital industry and in assuring the safety of the food supply.

Agriculture is our state's oldest industry, life-sciences research our newest. With proper support and policies by this General Assembly, both can grow and prosper to serve us all in the new economy of the 21st century.

During the next four and one-half months, we will face these challenges, as well as other issues that will emerge through the legislative session.

Our state motto, "United We Stand," is the key to the success of this session, and of the future of this state.

Together, as Missourians, we can succeed. None here wants us to fail, divided.

Each of us wants fair and reasonable taxation systems. Each of us places the highest priority on our public schools and colleges. We all want affordable health programs for citizens and common-sense regulations for our businesses and industries.

By working together, we can achieve each of these things.

By putting the people first, the programs, policies -- and even the politics -- will fall into their rightful place. Thank you.

Pursuant to the provisions of Section 9.141, RSMo, the Bill of Rights was read by Senator Kennedy.

Senator Shields assumed the Chair.

On motion of Senator Gibbons, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

FIRST READING OF PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 2000, Sections 21.600, 21.605, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 700-By Russell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SB 701-By Russell.

An Act to repeal section 105.510, RSMo, and to enact in lieu thereof one new section relating to public employees rights associated with labor organizations.

SB 702-By Russell.

An Act to repeal sections 172.100 and 172.170, RSMo, and to enact in lieu thereof two new sections relating to the University of Missouri board of curators.

SB 703-By Caskey.

An Act to repeal section 452.455, RSMo, and to enact in lieu thereof one new section relating to collection of past due child support.

SB 704-By Caskey.

An Act to repeal section 302.309, RSMo, and to enact in lieu thereof one new section relating to limited driving privileges.

SB 705-By Caskey.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for children's hearing aids.

SB 706-By Mathewson, Caskey and Wheeler.

An Act to repeal sections 516.105, 538.210, and 538.225, RSMo, and to enact in lieu thereof eighteen new sections relating to medical malpractice.

SB 707-By Mathewson.

An Act to repeal sections 313.805 and 313.822, RSMo, and to enact in lieu thereof two new sections relating to gaming, with a referendum clause.

SB 708-By Mathewson.

An Act to repeal section 488.5334, RSMo, and to enact in lieu thereof one new section relating to reimbursement of costs for arrest.

SB 709-By Goode, Bray and Russell.

An Act to amend chapter 135, RSMo, by adding thereto twenty-six new sections relating to senior citizen homestead deferral of taxes.

SB 710-By Goode and Bray.

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, and to enact in lieu thereof two new sections relating to child safety restraints, with penalty provisions and an effective date.

SB 711-By Goode.

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to job creation and fiscal accountability.

SB 712-By Quick.

An Act to amend chapter 650, RSMo, by adding thereto one new section relating to public safety officer death benefits.

SB 713-By Quick and Bray.

An Act to repeal sections 546.680, 546.690, 546.700, 546.710, 546.720, 546.730, 546.740, 546.750, 546.800, 546.810, 546.820, 565.004, 565.006, 565.020, 565.030, 565.032, 565.035, and 565.040, RSMo, and to enact in lieu thereof four new sections relating to repealing the death penalty, with penalty provisions.

SB 714-By Kinder, Champion, Steelman and Nodler.

An Act to repeal sections 174.020 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to names of state colleges.

SB 715-By Childers.

An Act to repeal sections 48.020, 48.030, 49.272, 50.740, 135.207, and 304.010, RSMo, and to enact in lieu thereof twelve new sections relating to counties, with penalty provisions.

SB 716-By Childers.

An Act to repeal sections 640.100, 640.115, 640.605, 640.615, and 640.620, RSMo, and to enact in lieu thereof six new sections relating to incentives for cost effective sewer and water projects.

SB 717-By Childers.

An Act to repeal section 21.183, RSMo, and to enact in lieu thereof four new sections relating to the general assembly, with a termination date for certain sections.

SB 718-By Yeckel, Nodler and Loudon.

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

SB 719-By Yeckel.

An Act to amend chapter 383, RSMo, by adding thereto eleven new sections relating to the Missouri physicians mutual insurance company act.

SB 720-By Yeckel.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof two new sections relating to medical savings accounts.

SB 721-By Jacob.

An Act to repeal sections 160.534 and 313.805, RSMo, and to enact in lieu thereof four new sections relating to the education job retraining fund.

SB 722-By Jacob.

An Act to repeal section 302.304, RSMo, and to enact in lieu thereof two new sections relating to driver's license revocations.

SB 723-By Jacob.

An Act to repeal sections 174.610 and 174.620, RSMo, and to enact in lieu thereof six new sections relating to faculty representation on the governing boards of certain institutions of higher education.

SB 724-By Bland.

An Act to repeal section 160.415, RSMo, and to enact in lieu thereof one new section relating to charter schools.

SB 725-By Bland.

An Act to repeal sections 494.425 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to jury service.

SB 726-By Bland.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SB 727-By Steelman.

An Act to repeal sections 508.010, 516.105, 537.067, 538.210, and 538.225, RSMo, and to enact in lieu thereof twelve new sections relating to civil liability reform, with an emergency clause for certain sections.

SB 728-By Steelman.

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to tax credits for health insurance premiums, with an effective date.

SB 729-By Steelman.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to reimbursement of nursing homes, with an emergency clause.

SB 730-By Gross.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a homestead exemption for the elderly.

SB 731-By Gross.

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for highway construction materials.

SB 732-By Gross.

An Act to repeal section 67.1706, RSMo, and to enact in lieu thereof one new section relating to the duties of the metropolitan park and recreation system.

SB 733-By Foster.

An Act to repeal section 168.110, RSMo, and to enact in lieu thereof one new section relating to board of education contract modifications.

SB 734-By Foster.

An Act to repeal sections 288.036, 288.038, 288.040, 288.050, 288.060, 288.121, 288.122, and 288.290, RSMo, and to enact in lieu thereof eight new sections relating to unemployment insurance.

SB 735-By Foster, Russell, Loudon and Coleman.

An Act to amend chapter 253, RSMo, by adding thereto three new sections relating to the Missouri state park board, with penalty provisions.

SB 736-By Loudon and Russell.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to establishment of the open contracting act.

SB 737-By Loudon.

An Act to repeal sections 285.300, 288.030, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof fourteen new sections relating to employees, with penalty provisions.

SB 738-By Loudon.

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to informed consent to an abortion.

SB 739-By Klindt.

An Act to amend chapter 640, RSMo, by adding thereto three new sections relating to environmental regulation.

SB 740-By Klindt.

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

SB 741-By Klindt.

An Act to repeal section 640.220, RSMo, and to enact in lieu thereof one new section relating to air pollution.

SB 742-By Cauthorn.

An Act to repeal section 288.050, RSMo, and to enact in lieu thereof one new section relating to unemployment security.

SB 743-By Cauthorn.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to employee waiver of the workers' compensation law.

SB 744-By Cauthorn, Klindt and Caskey.

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear, with penalty provisions.

SB 745-By Dougherty, Wheeler, Bland, Coleman and Days.

An Act to repeal sections 210.025, 210.109, 210.110, 210.145, 210.152, 210.153, 210.160, 210.201, 210.211, 210.518, 210.565, 210.760, 211.031,

211.032, 211.059, 211.171, 211.181, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 491.075, 492.304, 630.170, 660.317, and 701.336, RSMo, and to enact in lieu thereof fifty new sections relating to state foster care and protective services for children, with penalty provisions.

SB 746-By Dougherty, Wheeler, Bland, Bray, Coleman and Days.

An Act to repeal sections 701.304, 701.308, 701.311, 701.336, and 701.342, RSMo, and to enact in lieu thereof five new sections relating to lead poisoning.

SB 747-By Dougherty.

An Act to repeal sections 375.1300, 375.1303, 375.1306, and 375.1309, RSMo, and to enact in lieu thereof four new sections relating to genetic information.

SB 748-By Kennedy.

An Act to repeal section 301.144, RSMo, and to enact in lieu thereof one new section relating to amateur radio license plates.

SB 749-By Kennedy.

An Act to amend chapter 335, RSMo, by adding thereto one new section relating to registered nurse first assistants.

SB 750-By Kennedy.

An Act to repeal section 621.045, RSMo, and to enact in lieu thereof twenty-two new sections relating to private investigators, with penalty provisions.

SB 751-By Coleman.

An Act to repeal sections 701.304, 701.309, 701.312, 701.314, and 701.320, RSMo, and to enact in lieu thereof six new sections relating to lead poisoning, with penalty provisions.

SB 752-By Coleman.

An Act to repeal section 569.100, RSMo, and to enact in lieu thereof one new section relating to property damage of a motor vehicle, with penalty provisions.

SB 753-By Coleman.

An Act to repeal sections 441.060 and 535.300, RSMo, and to enact in lieu thereof twenty-eight new sections relating to landlords and tenants.

SB 754-By Vogel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the creation of exhibition center and recreational facility districts.

SB 755-By Shields.

An Act to repeal sections 172.360, 174.020, 174.241, 174.250, 174.251, 174.253, 174.261, 174.324, and 174.450, RSMo, and to enact in lieu thereof eight new sections relating to state institutions of higher education.

SB 756-By Shields.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a small business health insurance tax program, with an expiration date.

SB 757-By Shields.

An Act to repeal sections 301.010 and 301.069, RSMo, and to enact in lieu thereof two new sections relating to transportation.

SB 758-By Griesheimer.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to tourism taxes.

SB 759-By Griesheimer.

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to the extension of the waste tire collection fee.

SB 760-By Griesheimer.

An Act to amend chapter 388, RSMo, by adding thereto one new section relating to railroads.

SB 761-By Champion, Clemens, Kinder, Childers, Nodler, Shields, Scott, Yeckel, Steelman, Griesheimer, Foster, Russell and Loudon.

An Act to repeal sections 174.020 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to names of state colleges.

SB 762-By Champion.

An Act to repeal sections 210.025, 210.543, 210.565, and 210.760, RSMo, and to enact in lieu thereof eight new sections relating to foster care, with penalty provisions.

SB 763-By Bartle.

An Act to repeal sections 197.305, 197.315, 197.317, 197.325, 197.340, 197.345, 197.355, and 197.357, RSMo, and to enact in lieu thereof eight new sections relating to certificate of need.

SB 764-By Bartle.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid to the public schools of this state.

SB 765-By Bartle.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to human cloning, with penalty provisions.

SB 766-By Clemens.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 767-By Clemens.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Edward P. Hubble Memorial highway.

SB 768-By Nodler.

An Act to repeal section 174.453, RSMo, and to enact in lieu thereof one new section relating to qualifications for the board of governors of Missouri Southern State University-Joplin.

SB 769-By Nodler.

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of road districts in certain counties.

SB 770-By Nodler.

An Act to repeal section 227.340, RSMo, and to enact in lieu thereof one new section relating to the George Washington Carver Memorial Highway.

SB 771-By Bray.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

SB 772-By Bray.

An Act to repeal section 307.100, RSMo, and to enact in lieu thereof one new section relating to flashing warning signals on certain motor vehicles.

SB 773-By Bray and Dougherty.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

SB 774-By Wheeler.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof three new sections relating to the lifetime home grant program.

SB 775-By Wheeler.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the office of pharmaceutical reporting.

SB 776-By Wheeler.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to the bureau of communicable disease.

SB 777-By Russell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits.

SB 778-By Russell.

An Act to repeal section 253.545, RSMo, and to enact in lieu thereof one new section relating to historic preservation.

SB 779-By Russell.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to overwidth permits for manufactured homes.

SB 780-By Caskey.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to tuition rates for undergraduate students at institutions of higher education.

SB 781-By Caskey.

An Act to repeal section 491.205, RSMo, and to enact in lieu thereof one new section relating to witness immunity applications.

SB 782-By Caskey.

An Act to amend chapter 54, RSMo, by adding thereto one new section relating to county treasurers.

SB 783-By Mathewson.

An Act to repeal section 262.217, RSMo, and to enact in lieu thereof one new section relating to the state fair commission, with an emergency clause.

SB 784-By Goode and Stoll.

An Act to repeal sections 190.300, 190.305, 190.310, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 650.320, and 650.330, RSMo, and to enact in lieu thereof nine new sections relating to 911 emergency services.

SB 785-By Goode.

An Act to amend chapter 252, RSMo, by adding thereto four new sections relating to invasive species management.

SB 786-By Goode.

An Act to repeal section 407.1138, RSMo, and to enact in lieu thereof three new sections relating to unsolicited commercial electronic mail.

SB 787-By Childers.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to local approval for licensing of excursion gambling boats.

SB 788-By Childers.

An Act to repeal sections 302.775, 304.022, and 307.175, RSMo, and to enact in lieu thereof three new sections relating to the operation of emergency vehicles, with an emergency clause.

SB 789-By Childers.

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to county classification.

SB 790-By Yeckel.

An Act to repeal sections 188.080 and 197.200, RSMo, and to enact in lieu thereof two new sections relating to protection of recipients of medical services, with penalty provisions.

SB 791-By Yeckel, Nodler and Loudon.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for contributions to pregnancy resource centers.

SB 792-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation.

SB 793-By Jacob.

An Act to repeal sections 610.106 and 610.110, RSMo, and to enact in lieu thereof two new sections relating to closing of criminal records.

SB 794-By Jacob.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

SB 795-By Bland, Dougherty, Days, Bray and Coleman.

An Act to amend chapter 354, RSMo, by adding thereto twenty-three new sections relating to certain health care benefits with a contingent effective date for certain sections and a referendum clause.

SB 796-By Bland.

An Act to repeal section 161.102, RSMo, and to enact in lieu thereof one new section relating to the coordination of school health programs.

SB 797-By Bland.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to economic development in certain economically depressed areas.

SB 798-By Steelman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to respect life license plates.

SB 799-By Steelman.

An Act to repeal section 193.255, RSMo, and to enact in lieu thereof three new sections relating to certification of stillbirth.

SB 800-By Steelman, Dougherty and Russell.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the creation of an ALS Lou Gehrig's Disease fund.

SB 801-By Gross.

An Act to repeal section 250.140, RSMo, and to enact in lieu thereof one new section relating to sewerage services.

SB 802-By Gross.

An Act to repeal section 542.276, RSMo, and to enact in lieu thereof two new sections relating to criminal procedure, with penalty provisions.

SB 803-By Gross.

An Act to repeal section 210.145, RSMo, and to enact in lieu thereof one new section relating to investigations of child abuse and neglect, with an emergency clause.

SB 804-By Foster.

An Act to repeal section 198.086, RSMo, and to enact in lieu thereof one new section relating to the Alzheimer's Demonstration Project.

SB 805-By Loudon.

An Act to repeal section 376.995, RSMo, and to enact in lieu thereof seven new sections relating to mandated benefits for health insurance.

SB 806-By Loudon.

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to adoption tax credits.

SB 807-By Loudon.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil actions.

SB 808-By Klindt.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

SB 809-By Klindt.

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

SB 810-By Klindt.

An Act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

SB 811-By Cauthorn.

An Act to repeal sections 143.121 and 143.124, RSMo, and to enact in lieu thereof two new sections relating to income taxation.

SB 812-By Cauthorn.

An Act to repeal section 217.195, RSMo, and to enact in lieu thereof one new section relating to sales taxes on certain items sold by canteens or commissaries.

SB 813-By Cauthorn.

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school absences for participation in the Missouri state fair.

SB 814-By Dougherty, Days, Bland and Coleman.

An Act to repeal section 161.415, RSMo, and to enact in lieu thereof one new section relating to minority teaching scholarships.

SB 815-By Dougherty and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to air quality in public schools.

SB 816-By Dougherty, Mathewson and Bray.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to postsecondary education for foster children.

SB 817-By Kennedy and Griesheimer.

An Act to repeal sections 337.500, 337.505, 337.507, 337.510, 337.515, 337.520, 337.525, 337.530, 337.535, 337.540, 337.700, 337.703, 337.706, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, and 337.739, RSMo, and to enact in lieu thereof twenty-two new sections relating to the licensure of mental health professionals, with penalty provisions and a contingent effective date.

SB 818-By Coleman.

An Act to repeal section 567.010, RSMo, and to enact in lieu thereof one new section relating to prostitution.

SB 819-By Coleman.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court costs.

SB 820-By Coleman.

An Act to repeal section 577.021, RSMo, and to enact in lieu thereof one new section relating to blood alcohol content testing.

SB 821-By Shields.

An Act to amend chapter 144, RSMo, by adding thereto eight new sections relating to entertainment taxes.

SB 822-By Shields.

An Act to amend chapter 144, RSMo, by adding thereto eleven new sections relating to controlled substance taxes.

SB 823-By Shields.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to driving while intoxicated, with penalty provisions.

SB 824-By Griesheimer.

An Act to repeal section 301.390, RSMo, and to enact in lieu thereof one new section relating to seizure of motor vehicles with altered or missing licensed plates, with penalty provisions.

SB 825-By Griesheimer.

An Act to repeal section 304.235, RSMo, and to enact in lieu thereof one new section relating to weigh stations.

SB 826-By Bartle.

An Act to repeal sections 302.060 and 302.171, RSMo, and to enact in lieu thereof three new sections relating to drivers' licenses, with penalty provisions.

SB 827-By Bartle.

An Act to repeal section 512.020, RSMo, and to enact in lieu thereof one new section relating to interlocutory appeals in class actions.

SB 828-By Bartle.

An Act to repeal section 21.140, RSMo, and to enact in lieu thereof one new section relating to general assembly members salaries, with an

emergency clause.

SB 829-By Bray.

An Act to repeal sections 36.390, 106.010, 168.116, and 168.118, RSMo, and to enact in lieu thereof thirteen new sections relating to public employee due process.

SB 830-By Bray.

An Act to repeal sections 32.087, 67.576, 67.582, 67.671, 67.678, 67.1545, 67.1775, 67.1959, 94.580, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.046, 144.100, 144.517, 144.625, 144.655, 144.805, 238.235, and 238.410, RSMo, and to enact in lieu thereof twenty-one new sections relating to implementation of the streamlined sales and use tax agreement.

SB 831-By Bray.

An Act to repeal sections 135.400, 135.403, 135.408, 135.411, 135.423, 348.300, and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, RSMo, and to enact in lieu thereof eight new sections relating to tax relief in distressed communities, with an emergency clause.

SB 832-By Wheeler.

An Act to amend chapter 355, RSMo, by adding thereto twelve new sections relating to the conversion of nonprofit entities to for-profit status, with an emergency clause.

SB 833-By Russell.

An Act to repeal section 451.090, RSMo, and to enact in lieu thereof one new section relating to the issuance of marriage licenses.

SB 834-By Russell.

An Act to repeal section 105.520, RSMo, and to enact in lieu thereof one new section relating to collective bargaining.

SB 835-By Caskey.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to mandatory electronic recording of custodial interrogations.

SB 836-By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a private car ad valorem tax credit.

SB 837-By Caskey.

An Act to repeal section 324.010, RSMo, and to enact in lieu thereof one new section relating to professional licenses.

SB 838-By Goode, Yeckel, Days, Bray and Kennedy.

An Act to repeal section 565.030, RSMo, and to enact in lieu thereof one new section relating to imposition of the death penalty.

SB 839-By Goode.

An Act to repeal sections 149.015 and 149.160, RSMo, and to enact in lieu thereof two new sections relating to tax on cigarettes and tobacco products, with a referendum clause.

SB 840-By Goode.

An Act to repeal sections 304.155 and 577.080, RSMo, and to enact in lieu thereof seven new sections relating to motor vehicles, with penalty provisions.

SB 841-By Childers.

An Act to authorize the governor to convey a tract of land owned by the state to Pierce City, with an emergency clause.

SB 842-By Childers.

An Act to repeal section 315.015, RSMo, and to enact in lieu thereof one new section relating to licensing of lodging establishments, with an emergency clause.

SB 843-By Childers.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to the prevailing wage.

SB 844-By Yeckel.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to surgical comanagement arrangements.

SB 845-By Yeckel.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

SB 846-By Yeckel.

An Act to repeal sections 324.200, 324.203, 324.205, 324.210, and 324.215, RSMo, and to enact in lieu thereof seven new sections relating to licensing of dietitians, with penalty provisions.

SB 847-By Bland.

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to installment payments of property taxes in certain charter counties.

SB 848-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational programs.

SB 849-By Bland.

An Act to repeal section 163.021, RSMo, and to enact in lieu thereof one new section relating to alternative education programs.

SB 850-By Steelman.

An Act to authorize the governor to convey a tract of land owned by the state to the city of Salem.

SB 851-By Gross.

An Act to repeal sections 643.330 and 643.335, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle emissions inspections.

SB 852-By Gross.

An Act to repeal sections 160.053, 160.054, and 160.055, RSMo, and to enact in lieu thereof one new section relating to enrollment of pupils in public schools.

SB 853-By Gross.

An Act to repeal section 34.040, RSMo, and to enact in lieu thereof one new section relating to government contracts.

SB 854-By Loudon.

An Act to repeal sections 167.181 and 210.003, RSMo, and to enact in lieu thereof two new sections relating to vaccinations for children.

SB 855-By Loudon.

An Act to repeal sections 226.010, 226.200, 226.210, and, 226.220, RSMo, and to enact in lieu thereof nine new sections relating to the state highways and transportation commission, with a contingent effective date.

SB 856-By Loudon.

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof ten new sections relating to workers' compensation law.

SB 857-By Klindt.

An Act to repeal section 261.241, RSMo, and to enact in lieu thereof two new sections relating to food inspection.

SB 858-By Klindt.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ schools reimbursement.

SB 859-By Klindt.

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the state highway patrol.

SB 860-By Cauthorn.

An Act to repeal section 105.005, RSMo, and to enact in lieu thereof one new section relating to state officials and employees compensation.

SB 861-By Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the National Rifle Association license plate.

SB 862-By Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to respect life license plates.

SB 863-By Dougherty.

An Act to repeal section 313.805, RSMo, and to enact in lieu thereof one new section relating to powers of the gaming commission.

SB 864-By Dougherty.

An Act to amend chapters 135 and 143, RSMo, by adding thereto two new sections relating to lead abatement.

SB 865-By Dougherty and Kennedy.

An Act to repeal sections 167.031 and 167.051, RSMo, and to enact in lieu thereof two new sections relating to compulsory attendance age for public schools.

SB 866-By Coleman.

An Act to repeal sections 162.581, 162.601, and 162.611, RSMo, and to enact in lieu thereof three new sections relating to qualification and election of school board members in cities not within a county.

SB 867-By Coleman.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to radio frequency identification tags (RFID).

SB 868-By Shields.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to donations of teachers to schools.

SB 869-By Shields.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to authorization for closed meetings and closed records and exceptions thereto.

SB 870-By Bartle.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards, with penalty provisions.

SB 871-By Bray.

An Act to amend chapter 290, RSMo, by adding thereto six new sections relating to certain rights and obligations of employers and employees in causes of action for wrongful discharge.

SB 872-By Bray.

An Act to repeal sections 168.114, 168.116, 168.118, and 168.120, RSMo, and to enact in lieu thereof four new sections relating to teachers of the public schools.

SB 873-By Bray.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof three new sections relating to employment practices relating to gender.

SB 874-By Caskey.

An Act to repeal section 302.181, RSMo, and to enact in lieu thereof one new section relating to Missouri driver's and nondriver's identification license.

SB 875-By Caskey and Childers.

An Act to repeal section 137.720, RSMo, and to enact in lieu thereof one new section relating to county assessment funds.

SB 876-By Goode.

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to waste tires.

SB 877-By Goode and Days.

An Act to amend chapter 88, RSMo, by adding thereto one new section relating to condemnation proceedings for towns and villages.

SB 878-By Goode, Days, Steelman, Gross, Stoll, Gibbons, Bray, Foster, Shields and Kennedy.

An Act to repeal section 393.310, RSMo, and to enact in lieu thereof one new section relating to gas corporations and experimental tariffs, with a termination date.

SB 879-By Bland.

An Act to repeal sections 143.191, 143.201, 143.211, 143.221 and 143.241, RSMo, and to enact in lieu thereof eighteen new sections relating to establishment of a general assembly scholarship program, with an effective date.

SB 880-By Bland.

An Act to repeal sections 408.140 and 408.330, RSMo, and to enact in lieu thereof two new sections relating to penalties on late payments for certain credit transactions.

SB 881-By Bland.

An Act to repeal sections 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof three new sections relating to insurance coverage for mental health.

SB 882-By Klindt.

An Act to repeal sections 578.405, 578.407, 578.409, and 578.412, RSMo, and to enact in lieu thereof four new sections relating to animal research and production facilities, with penalty provisions.

SB 883-By Klindt.

An Act to repeal section 135.766 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session which was held unconstitutional by the Missouri Supreme Court.

SB 884-By Klindt.

An Act to amend chapter 3, RSMo, by adding thereto one new section relating to the duties of the revisor of statutes.

SB 885-By Cauthorn.

An Act to repeal section 393.760, RSMo, and to enact in lieu thereof one new section relating to issuance of bonds.

SB 886-By Cauthorn and Klindt.

An Act to amend chapter 261, RSMo, by adding thereto eleven new sections relating to the growers' district authorization act.

SB 887-By Goode.

An Act to repeal section 144.025, RSMo, and to enact in lieu thereof one new section relating to sales and use taxes.

SB 888-By Goode.

An Act to repeal sections 143.121 and 143.431, RSMo, and to enact in lieu thereof two new sections relating to nonresident income tax.

SB 889-By Goode.

An Act to repeal sections 610.010, 610.015, 610.021, 610.022, 610.026, and 610.027, RSMo, and to enact in lieu thereof six new sections relating to the sunshine law, with penalty provisions.

SB 890-By Bland.

An Act to amend chapter 571, RSMo, by adding thereto eight new sections relating to weapons, with penalty provisions.

SB 891-By Bland.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to highways.

SB 892-By Bland.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to driver's license reinstatement, with an effective date.

SB 893-By Goode.

An Act to repeal sections 99.805, 99.810, and 99.845, RSMo, and to enact in lieu thereof eight new sections relating to tax increment financing, with an effective date.

SB 894-By Goode.

An Act to repeal section 307.172, RSMo, and to enact in lieu thereof one new section relating to maximum bumper heights for motor vehicles, with penalty provisions.

SB 895-By Goode.

An Act to repeal section 407.020, RSMo, and to enact in lieu thereof twelve new sections relating to home loans, with an effective date and penalty provisions.

SB 896-By Bland.

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.725, 374.735, 374.740, 374.755, 374.757, 374.763, 544.640, and 544.650, RSMo, and to enact in lieu thereof twenty-three new sections relating to licensing of surety recovery agents, with penalty provisions and an effective date.

SB 897-By Bland.

An Act to repeal section 557.035, RSMo, and to enact in lieu thereof one new section relating to hate crimes, with penalty provisions.

SB 898-By Bland.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to firearms and other weapons.

SB 899-By Goode.

An Act to repeal section 307.375, RSMo, and to enact in lieu thereof one new section relating to inspection of school buses.

SB 900-By Goode.

An Act to repeal sections 307.366 and 643.315, RSMo, and to enact in lieu thereof two new sections relating to vehicle equipment regulations.

SB 901-By Goode.

An Act to repeal sections 319.125, 319.127, 319.139, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof four new sections relating to underground storage tanks.

SB 902-By Bland.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity, with an emergency clause.

SB 903-By Bland.

An Act to repeal sections 135.478 and 135.481, RSMo, and to enact in lieu thereof two new sections relating to tax credits for distressed communities.

SB 904-By Gross and Nodler.

An Act to repeal sections 188.015, 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof five new sections relating to certain governmental records and their confidentiality, with penalty provisions.

SB 905-By Foster.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 906-By Foster.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

SB 907-By Klindt.

An Act to repeal sections 36.010, 36.020, 36.030, 36.031, 36.040, 36.050, 36.060, 36.080, 36.090, 36.150, 36.160, 36.170, 36.240, 36.390, 36.420, 36.430, 36.460, and 36.500, RSMo, and to enact in lieu thereof twenty-one new sections relating to state employee work incentives, with penalty

provisions.

SB 908-By Cauthorn.

An Act to amend chapter 383, RSMo, by adding thereto eleven new sections relating to the Missouri medical malpractice mutual insurance company.

SB 909-By Bartle.

An Act to repeal sections 77.590, 79.470, and 82.300, RSMo, and to enact in lieu thereof three new sections relating to fines in municipal courts.

SB 910-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for weight reduction counseling.

SB 911-By Bland.

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to waste tires, with a termination date.

SB 912-By Dougherty and Days.

An Act to repeal section 210.516, RSMo, and to enact in lieu thereof one new section relating to licensure of homes for children.

SB 913-By Dougherty and Bray.

An Act to repeal section 570.223, RSMo, and to enact in lieu thereof two new sections relating to identity theft, with penalty provisions.

SB 914-By Dougherty and Russell.

An Act to repeal sections 210.536 and 453.073, RSMo, and to enact in lieu thereof two new sections relating to foster care reimbursement rate.

SB 915-By Dougherty, Goode and Russell.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording fees.

SB 916-By Dougherty.

An Act to repeal section 547.037, RSMo, and to enact in lieu thereof one new section relating to compensation for those released from the department of corrections after post-conviction DNA testing, with penalty provisions.

SB 917-By Dougherty and Bray.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 918-By Dougherty, Kennedy, Bray and Russell.

An Act to repeal section 376.1250, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 919-By Gibbons and Stoll.

An Act to repeal sections 301.141, 301.142, and 301.143, RSMo, and to enact in lieu thereof four new sections relating to disabled license plates, with penalty provisions and an effective date.

SB 920-By Caskey.

An Act to repeal sections 306.165, 306.167, and 542.261, RSMo, and to enact in lieu thereof four new sections relating to the Missouri state water patrol.

SB 921-By Caskey.

An Act to repeal section 217.375, RSMo, and to enact in lieu thereof one new section relating to administrative segregation of offenders.

SB 922-By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to recall elections for school board members.

SB 923-By Goode.

An Act to repeal section 163.036, RSMo, and to enact in lieu thereof one new section relating to eligible pupil counts for summer school.

SB 924-By Bland.

An Act to repeal sections 546.070 and 650.056, RSMo, and to enact in lieu thereof sixteen new sections relating to the criminal justice system, with

penalty provisions.

SB 925-By Bland.

An Act to repeal section 84.570, RSMo, and to enact in lieu thereof one new section relating to police residency requirements.

SB 926-By Loudon.

An Act to amend chapter 313, RSMo, by adding thereto five new sections relating to gambling.

SB 927-By Loudon.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to the assessment of property.

SB 928-By Loudon.

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

SB 929-By Wheeler.

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to the disposal of a former tenant's property.

SB 930-By Loudon.

An Act to repeal section 287.210, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

SB 931-By Loudon.

An Act to repeal sections 483.015 and 483.083, RSMo, and to enact in lieu thereof two new sections relating to the appointment of certain circuit clerks, with an effective date.

SB 932-By Loudon.

An Act to repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to employment.

SB 933-By Yeckel, Loudon and Nodler.

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education savings programs.

SB 934-By Bland.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to highways.

SB 935-By Gibbons.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to license plates.

SB 936-Withdrawn.

SB 937-By Gross.

An Act to amend chapter 28, RSMo, by adding thereto two new sections relating to the Missouri catalog of assistance programs.

SB 938-By Gross.

An Act to repeal section 33.155, RSMo, and to enact in lieu thereof one new section relating to mandatory direct deposit of state employees' paychecks.

SB 939-By Coleman.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to concealable weapons, with penalty provisions.

SB 940-By Coleman.

An Act to repeal section 570.223, RSMo, and to enact in lieu thereof two new sections relating to identity theft, with penalty provisions.

SB 941-By Coleman.

An Act to repeal section 165.301, RSMo, and to enact in lieu thereof one new section relating to selection of depositories in metropolitan school districts.

SB 942-By Nodler.

An Act to authorize the governor to convey a tract of land owned by the state to the city of Neosho.

SB 943-By Goode and Gross.

An Act to repeal sections 194.400, 194.405, 194.406, 194.407, 194.408, 194.409, and 194.410, RSMo, and to enact in lieu thereof eight new sections relating to unmarked burial remains, with penalty provisions.

SB 944-By Goode.

An Act to amend chapter 256, RSMo, by adding thereto four new sections relating to the regulation of floodway development, with penalty provisions.

SB 945-By Gibbons.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to student volunteer opportunities.

SB 946-By Bray, Dougherty, Days, Coleman and Bland.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

SB 947-By Russell.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

SB 948-By Steelman.

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to the possession or use of glass containers within the banks of Missouri's navigable waterways, with penalty provisions.

SB 949-By Steelman.

An Act to repeal section 621.015, RSMo, and to enact in lieu thereof four new sections relating to environmental hearings, with an effective date.

SB 950-By Griesheimer.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property assessment.

SB 951-By Griesheimer.

An Act to repeal section 70.300, RSMo, and to enact in lieu thereof one new section relating to contracts of political subdivisions.

SB 952-By Wheeler.

An Act to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to certain police officers.

SB 953-By Caskey.

An Act to amend chapter 640, RSMo, by adding thereto two new sections relating to the calculation of Hancock refunds.

SB 954-By Foster.

An Act to repeal section 643.075, RSMo, and to enact in lieu thereof one new section relating to payment for contracts in the construction of air containment sources.

SB 955-By Scott.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to highways and transportation commission member leadership selection.

SB 956-By Scott.

An Act to repeal sections 307.125 and 307.127, RSMo, and to enact in lieu thereof three new sections relating to operating animal-driven vehicles, with penalty provisions.

SB 957-By Scott.

An Act to repeal sections 307.178 and 537.610, RSMo, and to enact in lieu thereof two new sections relating to tort reform.

SB 958-By Scott.

An Act to repeal sections 226.010, 226.200, and 226.220, RSMo, and to enact in lieu thereof thirteen new sections relating to state highways and transportation commission authority to construct, maintain and operate toll facilities, with penalty provisions and a contingent effective date.

SB 959-By Childers.

An Act to repeal section 160.530, RSMo, and to enact in lieu thereof one new section relating to the distribution of monies for the purposes of funding statewide areas of critical need for learning and development.

SB 960-By Gibbons.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property tax reassessment.

SB 961-By Champion.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

SB 962-By Clemens.

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to licensing of athletic trainers.

SB 963-By Shields.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to public hospitals.

SB 964-By Shields.

An Act to repeal sections 192.016, 453.020, 453.030, and 453.060, RSMo, and to enact in lieu thereof five new sections relating to Missouri putative father registry.

SB 965-By Shields.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 966-By Shields.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security of temporary employees.

SB 967-By Shields.

An Act to repeal sections 173.205 and 335.212, RSMo, and to enact in lieu thereof two new sections relating to certain student financial assistance programs.

SB 968-By Shields.

An Act to repeal section 168.124, RSMo, and to enact in lieu thereof one new section relating to reduction in teacher forces.

SB 969-By Shields.

An Act to repeal sections 163.031 and 168.515, RSMo, and to enact in lieu thereof two new sections relating to the removal of the proration factor for purposes of calculating career ladder payments.

SB 970-By Childers.

An Act to repeal section 137.721, RSMo, and to enact in lieu thereof one new section relating to the percentage of ad valorem property tax collections to be deposited in the county assessment fund.

SB 971-By Stoll.

An Act to repeal sections 570.135 and 570.223, RSMo, and to enact in lieu thereof two new sections relating to crimes concerning the fraudulent use of identity, with penalty provisions.

SB 972-By Stoll.

An Act to amend chapter 27, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

SB 973-By Stoll.

An Act to repeal section 620.017, RSMo, and to enact in lieu thereof one new section relating to economic incentives.

SB 974-By Dougherty.

An Act to amend chapter 538, RSMo, by adding thereto one new section relating to suits against health care providers who provide medical evaluations.

SB 975-By Dougherty.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ school reimbursements.

SB 976-By Stoll.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to public retirement systems.

SB 977-By Stoll.

An Act to repeal section 104.1045, RSMo, and to enact in lieu thereof two new sections relating to public retirement systems.

SB 978-By Stoll.

An Act to amend chapter 620, RSMo, by adding thereto nine new sections relating to science and mathematics education.

SB 979-By Stoll.

An Act to amend chapter 160, RSMo, by adding thereto eleven new sections relating to science and mathematics education.

SB 980-By Bartle.

An Act to repeal sections 21.770, 27.080, 28.163, 30.245, 30.900, 31.010, 32.051, 32.380, 33.563, 33.571, 37.090, 42.160, 58.755, 72.424, 82.460, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 140.015, 143.072, 143.107, 143.122, 143.1010, 143.1011, 143.1012, 144.030, 144.036, 144.041, 152.032, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.550, 161.205, 161.655, 163.025, 169.710, 171.033, 173.120, 173.700, 173.705, 173.708, 173.710, 173.715, 173.718, 173.721, 178.630, 191.938, 192.255, 197.318, 198.014, 198.540, 201.090, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 208.177, 208.307, 210.879, 210.930, 215.050, 253.022, 253.230, 260.273, 261.035, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.280, 292.290, 292.500, 292.560, 292.570, 313.300, 313.301, 319.022, 319.023, 351.025, 354.065, 376.530, 376.550, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 590.145, 600.094, 620.528, 620.1310, 632.484, and 644.102, RSMo, and to enact in lieu thereof thirteen new sections for the sole purpose of repealing certain expired, sunset, terminated, and ineffective statutory provisions as identified by the joint committee on legislative research pursuant to section 23.205, RSMo.

SB 981-By Vogel.

An Act to repeal sections 67.1003, 67.1004, 67.1005, 67.1006, 67.1015, 67.1158, and 67.1366, RSMo, section 67.1000 as enacted by senate committee substitute for senate bill no. 820, eighty-ninth general assembly, second regular session, and section 67.1000, as enacted by house bill no. 1587, eighty-ninth general assembly, second regular session, and to enact in lieu thereof eight new sections relating to tax on sleeping rooms.

SB 982-By Coleman.

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review boards.

SB 983-By Quick.

An Act to repeal sections 301.681, 306.458, and 306.461, RSMo, and to enact in lieu thereof four new sections relating to transfer on death agreements.

SB 984-By Foster.

An Act to amend chapter 430, RSMo, by adding thereto three new sections relating to liens for agricultural production.

SB 985-By Foster.

An Act to amend chapter 400, RSMo, by adding thereto three new sections relating to the uniform commercial code.

SB 986-By Cauthorn.

An Act to repeal section 565.092, RSMo, and to enact in lieu thereof two new sections relating to the endangerment of corrections personnel, with penalty provisions.

SB 987-By Quick.

An Act to repeal sections 247.040 and 247.165, RSMo, and to enact in lieu thereof two new sections relating to water service to annexed areas.

SB 988-By Steelman.

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof two new sections relating to waste tires, with an emergency clause.

SB 989-By Gross, Klindt, Russell and Nodler.

An Act to amend chapter 640, RSMo, by adding thereto two new sections relating to environmental protection.

SB 990-By Loudon.

An Act to amend chapter 324, RSMo, by adding thereto twenty-one new sections relating to the powers and duties of the Missouri high voltage electrical industry licensing board, and Missouri low voltage electrical industry licensing board, with penalty provisions.

SB 991-By Dougherty.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to credit risk scores.

SB 992-By Cauthorn.

An Act to repeal section 578.154, RSMo, and to enact in lieu thereof one new section relating to the possession of anhydrous ammonia, with penalty provisions.

SB 993-By Cauthorn.

An Act to repeal section 168.081, RSMo, and to enact in lieu thereof one new section relating to certification requirements for pre-kindergarten teachers.

SB 994-By Coleman.

An Act to amend chapter 534, RSMo, by adding thereto one new section relating to unlawful detainer actions.

SB 995-By Coleman.

An Act to repeal sections 173.005, 174.020, 174.300, 174.310, and 174.320, RSMo, and to enact in lieu thereof five new sections relating to Harris-Stowe State College.

SB 996-By Shields.

An Act to repeal section 570.223, RSMo, and to enact in lieu thereof two new sections relating to identity theft, with penalty provisions.

SB 997-By Shields.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the creation of exhibition center and recreational facility districts.

SB 998-By Shields.

An Act to repeal section 135.530, RSMo, and to enact in lieu thereof one new section relating to distressed communities.

SB 999-By Griesheimer.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to compensation agreements between franchisors and franchisees.

SB 1000-By Bartle.

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof four new sections relating to a DNA profiling system, with penalty provisions.

SB 1001-By Wheeler.

An Act to amend chapter 197, RSMo, by adding thereto eight new sections relating to end stage renal disease, with penalty provisions.

SJR 24-By Caskey.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri relating to preservation of harvest heritage.

SJR 25-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of Missouri relating to the distribution of moneys.

SJR 26-By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the distribution of state moneys.

SJR 27-By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to limitation on state revenues.

SJR 28-By Jacob.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, relating to term limits.

SJR 29-By Steelman, Russell, Clemens, Scott, Gross, Nodler, Cauthorn, Klindt, Gibbons and Vogel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to the Constitution of Missouri relating to marriage.

SJR 30-By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri relating to taxation of veterans' organizations, and adopting one new section in lieu thereof relating to the same subject.

SJR 31-By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to powers and duties of the state highway and transportation commission.

SJR 32-By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation of elementary and secondary school students.

SJR 33-By Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 4 and 6 of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to minimum age requirements for members of the general assembly.

SJR 34-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 29 of article IV of the Constitution of Missouri relating to the department of transportation, and adopting one new section in lieu thereof relating to the same subject.

SJR 35-By Bland.

Joint Resolution to ratify a proposed amendment to the Constitution of the United States.

SJR 36-By Foster.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to agricultural property tax exemptions.

SJR 37-By Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation funding.

SJR 38-By Scott.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

SJR 39-By Foster.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2(a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

SJR 40-By Stoll.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bingo.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1002-By Bray.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 1003-By Gibbons, Shields and Dougherty.

An Act to repeal sections 208.152, 208.204, and 630.210, RSMo, and to enact in lieu thereof four new sections relating to the children's mental health reform act.

SB 1004-By Shields.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to requirements for persons administering injections.

SB 1005-By Shields.

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications companies.

SB 1006-By Goode, Kinder, Days, Russell, Caskey, Mathewson, Childers, Kennedy, Quick, Wheeler, Bray, Dougherty, Stoll, Callahan and Yeckel.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

SB 1007-By Goode and Mathewson.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to gubernatorial appointments.

SB 1008-By Goode.

An Act to repeal sections 99.805 and 99.810, RSMo, and to enact in lieu thereof four new sections relating to tax increment financing.

SB 1009-By Griesheimer.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to the motor vehicle extended service contracts act, with penalty provisions and an effective date.

SB 1010-By Dougherty, Bray, Days, Kennedy, Jacob and Coleman.

An Act to repeal sections 105.055 and 610.028, RSMo, and to enact in lieu thereof two new sections relating to state employee reporting of alleged violations.

SB 1011-By Dougherty.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance reimbursement for licensed professional counselors.

SB 1012-By Caskey.

An Act to repeal section 140.340, RSMo, and to enact in lieu thereof one new section relating to redemption of property.

SB 1013-By Stoll.

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to vascular organ transplants.

CONCURRENT RESOLUTIONS

Senator Kinder offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, Social Security is a federal program that does not recognize the retirement needs of many Missourians; and

WHEREAS, Social Security tax revenues alone will be insufficient to pay current benefits as early as the year 2015; and

WHEREAS, the Social Security Trust Funds may be completely exhausted by the year 2037; and

WHEREAS, the investment return on Social Security contributions made by workers today is significantly below that available from other sources; and

WHEREAS, workers deserve the opportunity to invest more productively for their own retirements; and

WHEREAS, more retirement investment opportunities might dramatically increase workers' savings rate and retain more young adults who otherwise would leave the state for jobs elsewhere; and

WHEREAS, the unfunded liability of the Social Security system exceeds \$9 trillion, according to the Chairman of the Federal Reserve System; and

WHEREAS, many workers are already facing very low or even negative rates of return on their lifetimes of Social Security contributions; and

WHEREAS, the aging of the United States population means that fewer and fewer active workers will be supporting more and more retirees under today's pay-as-you-go financing for Social Security; and

WHEREAS, this ration of retirees to workers has shrunk from 42 to 1 in 1935 when the program was first started, to less than 3 to 1 today and soon fall to less than 2 to 1; and

WHEREAS, raising payroll or income taxes to compensate for this demographic shrinkage will mean that today's workers get an even worse return on their federal retirement contributions than they do now; and

WHEREAS, broadly cutting Social Security benefits also would worsen rates of return; and

WHEREAS, states and localities that allow their own employees to invest a portion of their taxes for retirement have shown that workers can do better for themselves with such accounts than under Social Security; and

WHEREAS, an increasing number of countries, including Australia, Chile, Mexico, Poland, Hungary, Khazakistan, Sweden, and the United Kingdom, now allow their citizens to allocate their taxes to such personal retirement accounts; and

WHEREAS, the Social Security Trustees have consistently and repeatedly stated in their annual reports that the Social Security system will be unable to deliver on its long-term promises under its current financing scheme; and

WHEREAS, the public, especially younger people, are therefore rightfully suspicious of Social Security's ability to deliver on its long-term promises to them; and

WHEREAS, bipartisan Social Security reform proposals now before Congress would address these problems by creating a system of personal accounts with a portion of Social Security taxes; and

WHEREAS, the Social Security Administration's own actuaries have judged these bipartisan proposals to be fiscally sound for the next 75 years; and

WHEREAS, these proposals would reduce or eliminate the pressure for higher taxes or broadly reduced benefits while reducing Social Security's unfunded liability; and

WHEREAS, these proposals would not affect people in or near retirement, nor those eligible for or drawing Social Security's disability benefits; and

WHEREAS, the Congress has been unable to pass meaningful Social Security reform; and

WHEREAS, the State of Missouri has shown that it invests in a fiscally responsible manner and is capable of administering pension programs; and

WHEREAS, the citizens of the State of Missouri deserve better than what Social Security can deliver:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urges the Congress of the United States to enact legislation amending the Social Security Act and other statutes to allow the citizens of the State of Missouri to voluntarily opt-out of the federal Social Security System and invest their Social Security taxes in personal retirement accounts that they themselves would own and control, the retirement accounts and investments to be approved by the State Treasurer's Office and the program to be modeled in a manner similar in concept to the Missouri Saving for Tuition 529 program; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, Speaker of the United States House of Representatives, and the members of the Missouri Congressional delegation.

Senator Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, nature has set apart portions of St. Charles County and St. Louis County by the waters flowing from the Missouri River; and

WHEREAS, several bridges span the Missouri River in St. Louis County and St. Charles County; and

WHEREAS, three particular bridges spanning the Missouri River between St. Charles County and St. Louis County have been unofficially named for many years; and

WHEREAS, these three particular bridges carry 350,000 motor vehicles daily through St. Charles County and St. Louis County:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby instruct the State Highways and Transportation Commission and the Department of Transportation to take action immediately to designate the bridge crossing the Missouri River between St. Charles and St. Louis County on Interstate 70 the "Blanchette Memorial Bridge"; and

BE IT FURTHER RESOLVED that the State Highways and Transportation Commission and the Department of Transportation take action immediately to designate the bridge crossing the Missouri River on U.S. Route 40/61 the "Daniel Boone Bridge"; and

BE IT FURTHER RESOLVED that the State Highways and Transportation Commission and the Department of Transportation take action immediately to designate the bridge crossing the Missouri River on Highway 370 the "Discovery Bridge"; and

BE IT FURTHER RESOLVED that neither the Missouri Department of Transportation nor the state shall be obligated to provide any funding or remuneration to commemorate or

memorialize the three designated bridges; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the State Highways and Transportation Commission and the director of the Department of Transportation.

Senators Cauthorn, Coleman, Kennedy, Scott, Childers, Yeckel, Clemens and Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, faith-based and community organizations are currently providing quality social services and making a positive difference in the communities they serve; and

WHEREAS, faith-based and community organizations are serving their communities in areas such as the prevention and treatment of juvenile delinquency, child care services, support services for the elderly, the prevention of crime, the intervention in and prevention of domestic violence, and a number of other social service areas; and

WHEREAS, some of these faith-based and community organizations are currently receiving funds from federal government, or through a state, city, or local government that itself receives federal funds, to carry out their missions; and

WHEREAS, because of the quality services provided by these organizations, it is important for the state and local governments to utilize their services by working in partnership with faith-based and community organizations; and

WHEREAS, faith-based and community organizations that currently work in partnership with local governments or judicial circuits are doing so within the framework of the Constitutional church-state guidelines:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby express their gratitude to faith-based and community organizations working in their communities to improve the lives of the citizens of this state; and

BE IT FURTHER RESOLVED that we support the mission of faith-based and community organizations to provide social services to improve the lives of our citizens; and

BE IT FURTHER RESOLVED that we support and encourage the state and all local governments to work in partnership with faith-based and community organizations to provide quality social services that improve the lives of so many of our citizens in particular and better our society in general; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the presiding judge of each judicial circuit in this state, and to the director of each state department.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1014-By Yeckel.

An Act to amend chapter 84, RSMo, by adding thereto one new section relating to police officer residency requirements.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED that the Chief Clerk of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-second General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 14, 2004, to receive a message from His Honor Ronnie L. White, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and Senate of the Ninety-second General

Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 21, 2004, to receive a message from His Excellency, the Honorable Bob Holden, Governor of the State of Missouri; and

BE IT RESOLVED that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-second General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 3**.

HOUSE CONCURRENT RESOLUTION NO. 3

BE IT RESOLVED by the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene a joint session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 28, 2004, to receive a message from Henry Hungerbeeler, Director of the Missouri Department of Transportation; and

BE IT RESOLVED that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Director of the Missouri Department of Transportation and inform him that the House of Representatives and Senate of the Ninety-second General Assembly, Second Regular Session, are now organized and ready for business and to receive the State of the State of Transportation address, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2003, while the Senate was not in session.

Susan M. Abdel-Rahman, Pharm.D., 4550 Warwick Boulevard, #313, Kansas City, Jackson County, Missouri 64111, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

John Adams, 1818 Hickory Street, St. Louis, St. Louis County, Missouri 63104, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Joseph L. Adams, 924 Wild Cherry Lane, University City, St. Louis County, Missouri 63130, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until his successor is duly appointed and qualified; vice, Joseph L. Adams withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Gilbert G. Adkins, Jr., Democrat, 203 Bluebird Lane, Lebanon, Laclede County, Missouri 65536, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2006, and until his successor is duly appointed and qualified; vice, Gilbert G. Adkins, Jr., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Linda Taylor Allen, Ph.D., 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Linda Taylor Allen, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Rodney Anderson, Democrat, 800 Central Avenue, Monett, Barry County, Missouri 65708, as a member of the Missouri Southern State University - Joplin Board of Regents, for a term ending September 4, 2009, and until his successor is duly appointed and qualified; vice, Rodney Anderson, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2003, while the Senate was not in session.

James R. Asahl, 2116 Tower Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Lisa M. Atkins, 1340 NW 82nd Street, Apt. 5-035, Kansas City, Clay County, Missouri 64118, as a member of the Organ Donation Advisory Committee, for a term ending September 4, 2008, and until her successor is duly appointed and qualified; vice, Lisa M. Atkins, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2003, while the Senate was not in session.

John D. Aylward, Republican, Rural Route 2, Box 88, Memphis, Scotland County, Missouri 63555, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Judith Wall Baker, 3075 South Rangeline Road, Columbia, Boone County, Missouri 65201, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2007, and until her successor is duly appointed and qualified; vice, Judith Wall Baker, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 20, 2003, while the Senate was not in session.

Michael D. Baker, 1 Dogwood Drive, Warrenton, Warren County, Missouri 63383, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2007, and until his successor is duly appointed and qualified; vice, RSMo. 210.1012.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2003, while the Senate was not in session.

William J. Baker, Democrat, 12904 East 41st Terrace, Independence, Jackson County, Missouri 64055, as Chairman of the Jackson County Board of Election Commissioners, for a term ending April 4, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2003, while the Senate was not in session.

Cynthia R. Ballentine, 811 Nykiel Court, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Board of Occupational Therapy, for a term ending November 14, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Judith K. Barker, 309 Vida Avenue, St. Louis, St. Louis County, Missouri 63125, as a member of the Board of Certification of Interpreters, for a term ending July 2, 2006, and until her successor is duly appointed and qualified; vice, Judith K. Barker, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

David W. Barrow, 12704 East 51st Street, Independence, Jackson County, Missouri 64055, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2004, and until his successor is duly appointed and qualified; vice, David W. Barrow, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Garland G. Barton, Route 3, Box 3973, Alton, Oregon County, Missouri 65606, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, Garland G. Barton, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Roger D. Beamer, 5586 Julie Street, Fulton, Callaway County, Missouri 65251, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2003, while the Senate was not in session.

Rodney L. Beard, Republican, 1499 Hemlock Court, Liberty, Clay County, Missouri 64068, as public member of the State Banking Board, for a term ending August 29, 2009, and until his successor is duly appointed and qualified; vice, Kathleen Meyer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2003, while the Senate was not in session.

Theodore W. Beaty, 10 Hortense Place, St. Louis City, Missouri 64108, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 261.235.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Marcia L. Bennett-Hazelrigg, 2817 Lovers Lane, St. Joseph, Buchanan County, Missouri 64506, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until her successor is duly appointed and qualified; vice, Marcia L. Bennett-Hazelrigg, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

Richard L. Berkley, Republican, 1014 Greenway Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2006, and until his successor is duly appointed and qualified; vice, Gerald Winship, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

James E. Berry, Republican, 500 State Highway Y, Forsyth, Taney County, Missouri 65653, as a member of the State Board of Health, for a term ending July 23, 2007, and until his successor is duly appointed and qualified; vice, James E. Berry, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Lisa E. Betzler, 804 Bitterfield Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri State Committee of Interpreters, for a term ending December 11, 2006, and until her successor is duly appointed and qualified; vice, Debbie Ulinski, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Courtney Gohn Beykirch, Republican, 1043 Country Club Drive, West Plains, Howell County, Missouri 65775, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2006, and until her successor is duly appointed and qualified; vice, Courtney Gohn Beykirch, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Mari Ann Bihr, 1004 Prospect Street, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, Mari Ann Bihr, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2003, while the Senate was not in session.

Morey A. Blinder, M.D., 5 Rockwood Forest View, Wildwood, St. Louis County, Missouri 63025, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, Lori Williamson-Kruse, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

Terry Bloomberg, 47 Frontenac Estates, St. Louis, St. Louis County, Missouri 63131, as a member of the Children's Trust Fund Board, for a term ending September 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Nanci A. Bobrow, Ph.D., 50 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2003, while the Senate was not in session.

Tracy M. Bono, 4668 Shoshone Trail, St. Charles, St. Charles County, Missouri 63304, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2004, and until her successor is duly appointed and qualified; vice, Laura Roy, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2003, while the Senate was not in session.

John M. Boyer, Republican, 24 Hickory Street, P.O. Box 73, Viburnum, Iron County, Missouri 65566, as a member of the Dam and Reservoir Safety Council, for a term ending September 5, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 20, 2003, while the Senate was not in session.

Oliver G. Boyer, 301 Ninth Street, Crystal City, Jefferson County, Missouri 63019, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2007, and until his successor is duly appointed and qualified; vice, RSMo. 210.1012.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

George V. Boyle, 706 Wildwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, George V. Boyle, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

Gregory Boyle, 6304 East 102nd Street, Kansas City, Jackson County, Missouri 64134, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2005, and until his successor is duly appointed and qualified; vice, Francis T. H'Doubler, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Lisa G. Britt, D.V.M., 11180 E. Mexico Gravel Road, Columbia, Boone County, Missouri 65202, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until her successor is duly appointed and qualified; vice, Barry Freedman, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

David G. Brown, 2500 Woodberry Court, Columbia, Boone County, Missouri 65203, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Rusty A. Brown, Democrat, 16521 East 35th Court, Independence, Jackson County, Missouri 64055, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2004, and until his successor is duly appointed and qualified; vice, Rusty A. Brown, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2003, while the Senate was not in session.

Tammy L. Brown, Republican, 2301 Southwest Tenth Street, Lee's Summit, Jackson County, Missouri 64081, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Jayne D. Browning, 1581 Parksite, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending September 17, 2006, and until her successor is duly appointed and qualified; vice, Melinda Sanders, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Gail Brown-Rozelle, 4643 Tower Grove Place, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

Robert R. Broz, 9731 Vemer's Ford Road, Columbia, Boone County, Missouri 65201, as a member of the Well Installation Board, for a term ending October 16, 2007, and until his successor is duly appointed and qualified; vice, Stanley Cowan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

Mark A. Byington, 4239 Patterson School Road, Bonne Terre, St. Francois County, Missouri 63628, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

James M. Caccamo, Ph.D., Democrat, 6700 Linden Road, Kansas City, Jackson County, Missouri 64113, as a member of the State Board of Senior Services, for a term ending August 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

William J. Carr, Democrat, 17657 Lasiandra Drive, Wildwood, St. Louis County, Missouri 63005, as Chairman of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 4, 2005, and until his successor is duly appointed and qualified; vice, William J. Carr, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

William "Bill" Carson, Democrat, 4424 Benton Boulevard, Kansas City, Jackson County, Missouri 64130, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2004, and until his successor is duly appointed and qualified; vice, Nelson Thompson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Marie E. Carter, Republican, 20 Creekwood Lane, St. Louis, St. Louis County, Missouri 63124, as a member of the State Committee of Dietitians, for a term ending June 11, 2006, and until her successor is duly appointed and qualified; vice, Marie E. Carter, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2003, while the Senate was not in session.

Marjorie K. Carter, 641 Hickory Knoll Court, Ballwin, St. Louis County, Missouri 63021, as a member of the Child Abuse and Neglect Review Board, for a term ending August 3, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2003, while the Senate was not in session.

Jeffrey D. Cawlfeld, Ph.D., Democrat, 10901 Hanley Drive, Rolla, Phelps County, Missouri 65401, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Michelle Y. Cebulko, 4902 Corinth Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Michelle Y. Cebulko, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

James B. Chappell, Republican, 15 Northwest 44th Street, Kansas City, Clay County, Missouri 64116, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2007, and until his successor is duly appointed and qualified; vice, James B. Chappell, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Melinda Christianson, 613 Northeast St. Andrew's Circle, Lee's Summit, Jackson County, Missouri 64064, as a member of the Advisory Council for Professional Physical Therapists, for a term ending October 1, 2005, and until her successor is duly appointed and qualified; vice, Melinda Christianson, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

H. Fred Christman, D.D.S., 2705 Surfside Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Dental Board, for a term ending October 16, 2008, and until his successor is duly appointed and qualified; vice, H. Fred Christman, D.D.S., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Richard A. Clemens, 1939 Wyoming Street, St. Louis City, Missouri 63118, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2006, and until his successor is duly appointed and qualified; vice, Richard A. Clemens, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2003, while the Senate was not in session.

A. Stephen Coburn, 7159 Kingsbury Boulevard, University City, St. Louis County, Missouri 63130, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Cheryl Dolan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Kathleen A. Coleton, 2 Southwest Whitlock Drive, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2006, and until her successor is duly appointed and qualified; vice, Kathleen A. Coleton, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Derek E. Conard, 3001 Southeast Galvin Road, St. Joseph, Buchanan County, Missouri 64504, as a member of the Child Abuse and Neglect Review Board, for a term ending July 30, 2006, and until his successor is duly appointed and qualified; vice, Derek E. Conard, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Michael David Conner, 10346 North Farm Road 183, Fair Grove, Greene County, Missouri 65648, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Michael David Conner, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Lisa G. Conrad, Democrat, 16261 Route DD, Clarence, Monroe County, Missouri 63437, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, Lisa G. Conrad, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

John Nicholas Constantino, M.D., #18 Arundel Place, St. Louis City, Missouri 63105, as a member of the Mental Health Commission, for a term ending July 23, 2007, and until his successor is duly appointed and qualified; vice, John Nicholas Constantino, M.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2003, while the Senate was not in session.

Charles "Gil" Copley, 14 Plymouth Court, St. Charles, St. Charles County, Missouri 63304, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Malinda Ann Crane, 7809 Jefferson Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending September 17, 2006, and until her successor is duly appointed and qualified; vice, James (Don) Jackson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Chester A. Culley, Republican, 6112 North West 77th Street, Kansas City, Platte County, Missouri 64151, as a member of the Missouri Emergency Response Commission, for a term ending June 1, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Milamari A. Cunningham, M.D., Republican, 8202 South Bennett Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Milamari A. Cunningham, M.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Angela H. da Silva, Democrat, 2664 California Avenue, St. Louis City, Missouri 63118, as a member of the St. Louis City Board of Election Commissioners, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Angela H. da Silva, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Russell E. Dayton, 507 South Chestnut Street, Cameron, Clinton County, Missouri 64429, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2009, and until his successor is duly appointed and qualified; vice, Russell E. Dayton, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Kevin D. DeSain, 1089 Prince Albert Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, Kevin D. DeSain, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2003, while the Senate was not in session.

Jeffrey A. Dierking, Rural Route 2, Box 14, Malta Bend, Saline County, Missouri 65339, as student representative of the Linn State Technical College Board of Regents, for a term ending May 1, 2005, and until his successor is duly appointed and qualified; vice, Thomas Koch, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2003, while the Senate was not in session.

Andres Marin Dominguez, Democrat, 1313 Northeast 74th Terrace, Gladstone, Clay County, Missouri 64118, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Laurie B. Donovan, 7 Ipswich Court, Florissant, St. Louis County, Missouri 63033, as a member of the Children's Trust Fund Board, for a term ending July 10, 2006, and until her successor is duly appointed and qualified; vice, Laurie B. Donovan, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2003, while the Senate was not in session.

Timothy J. Dorsey, Republican, 1343 Westbend Drive, St. Charles, St. Charles County, Missouri 63304, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Raymond Doswell, 4619 Jefferson Street, Apt. #407 South, Kansas City, Jackson County, Missouri 64112, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until his successor is duly appointed and qualified; vice, Mary Louise Brown, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2003, while the Senate was not in session.

Patrick Dougherty, 4031 Parker Avenue, St. Louis City, Missouri 63116, as a member of the Children's Trust Fund Board, for a term ending September 15, 2005, and until his successor is duly appointed and qualified; vice, James Monteleone, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2003, while the Senate was not in session.

Sheila S. Dullum, 1456 East Farm Road 96, Springfield, Greene County, Missouri 65803, as a member of the Child Abuse and Neglect Review Board, for a term ending December 29, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in

session.

Emily C. Dunn, 1828 Essman Dunn Road, Bourbon, Crawford County, Missouri 65441, as student representative of the Truman State University Board of Governors, for a term ending May 1, 2005, and until her successor is duly appointed and qualified; vice, Emily C. Dunn, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 23, 2003, while the Senate was not in session.

Richard D. Easley, 6216 Northwest 77th Street, Kansas City, Platte County, Missouri 64151, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2004, and until his successor is duly appointed and qualified; vice, G. Paul Corbin, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2003, while the Senate was not in session.

Joan S. Eberhardt, R.N., B.S.N., M.A., C.C.R.N., 16 Williamsburg, Creve Coeur, St. Louis County, Missouri 63141, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until her successor is duly appointed and qualified; vice, Marianne Fournie, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Richard B. Edging, Ph.D., 7600 Cave Creek Road, Columbia, Boone County, Missouri 65203, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Gayle Fritz, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Lillian D. Eunice, Democrat, 7753 Nacomis Drive, Normandy, St. Louis County, Missouri 63121, as a member of the State Board of Senior Services, for a term ending August 20, 2007, and until her successor is duly appointed and qualified; vice, Lillian D. Eunice, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Barry I. Feinberg, M.D., #3 Somerset Downs, St. Louis, St. Louis County, Missouri 63124, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2006, and until his successor is duly appointed and qualified; vice, Barry I. Feinberg, M.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Karen D. Ferguson, 12146 Whispering Oaks, Holts Summit, Callaway County, Missouri 65043, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until her successor is duly appointed and qualified; vice, Karen D. Ferguson, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Lawrence H. Fick, Republican, 411 Pyrenees Drive, Columbia, Boone County, Missouri 65203, as a member of the Central Missouri State University Board of Governors, for a term ending July 23, 2009, and until his successor is duly appointed and qualified; vice, Lawrence H. Fick, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Walter Foster, Jr., 21513 Highway 17, Waynesville, Pulaski County, Missouri 65883, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Queen D. Fowler, Ph.D., Democrat, 14 Nob Hill Lane, St. Louis, St. Louis County, Missouri 63130, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2008, and until her successor is duly appointed and qualified; vice, Charlene Jones, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2003, while the Senate was not in session.

Bradley D. Freeman, M.D., 106 West Pine Place, St. Louis, St. Louis County, Missouri 63108, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Richard H. Frueh, Republican, 10 Beacon Hill Lane, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 2005, and until his successor is duly appointed and qualified; vice, Richard H. Frueh, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

William M. Fry, Jr., 8608 East 81st Street, Raytown, Jackson County, Missouri 64138, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, William M. Fry, Jr., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Lenora N. Gaydusek, 19 E. 165th Street, Belton, Cass County, Missouri 64012, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2004, and until her successor is duly appointed and qualified; vice, Bobby Blue, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2003, while the Senate was not in session.

Shawn J. Gebhardt, 820 East 41st Street, Kansas City, Jackson County, Missouri 64110, as a student representative of the University of Missouri Board of Curators, for a term ending May 1, 2005, and until his successor is duly appointed and qualified; vice, Vicki M. Eller, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Katherine Anne Geppert, Democrat, 5803 Redwing Drive, Columbia, Boone County, Missouri 65202, as a member of the State Milk Board, for a term ending September 28, 2006, and until her successor is duly appointed and qualified; vice, Katherine Anne Geppert, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Steven Philip Gietschier, Ph.D., 3826 Secretariat Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Guy C. Gilbert, 2031 Wendemere Court, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Geologist Registration, for a term ending April 11, 2006, and until his successor is duly appointed and qualified; vice, Larry Hendren, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2003, while the Senate was not in session.

Maria I. Gomez, 3719 Rue de Renard, St. Louis, St. Louis County, Missouri 63034, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Gary S. Gottesman, 504 Bonhomme Forest Drive, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending August 20, 2006, and until his successor is duly appointed and qualified; vice, Gary S. Gottesman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Phillip L. Gould, 102 Lake Forest, St. Louis, St. Louis County, Missouri 63112, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, Phillip L. Gould, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Naim B. Gray, 8914 Eager Road, Brentwood, St. Louis County, Missouri 63144, as a member of the Children's Trust Fund Board, for a term ending July 23, 2006, and until his successor is duly appointed and qualified; vice, Naim B. Gray, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

Terri R. Gray, Democrat, 4104 White Pine Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Women's Council, for a term ending December 6, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Thomas D. Greenwell, 901 Hwy. U, Apt. 5, P.O. Box 805, Caruthersville, Pemiscot County, Missouri 63830, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Joseph Gulino, Ph.D., 22410 Coonce Lane, Hartsburg, Boone County, Missouri 65039, as a member of the Board of Geologist Registration, for a term ending April 11, 2005, and until his successor is duly appointed and qualified; vice, Paul Foster, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Gregory D. Haddock, Ph.D., Republican, 310 S. Walnut, Maryville, Nodaway County, Missouri 64468, as a member of the Land Reclamation Commission, for a term ending September 28, 2007, and until his successor is duly appointed and qualified; vice, Ted Smith, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Donna R. Haley, 114 North Glenwood Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending July 30, 2006, and until her successor is duly appointed and qualified; vice, Donna R. Haley, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Karen K. Hall, 1702 Neihardt Drive, Branson, Taney County, Missouri 65616, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2005, and until her successor is duly appointed and qualified; vice, Karen K. Hall, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Richard A. Hanson, 1307 Dunbar Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Public Employees Deferred Compensation Commission, for a term ending November 20, 2004, and until his successor is duly appointed and qualified; vice, Richard A. Hanson, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2003, while the Senate was not in session.

Dana M. Hardy, Democrat, 5518 Janet, St. Louis, St. Louis County, Missouri 63136, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until her successor is duly appointed and qualified; vice, Lynn Mims, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2003, while the Senate was not in session.

George Hartsfield, Republican, 1909 Sarah Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Gaming Commission, for a term ending April 29, 2005, and until his successor is duly appointed and qualified; vice, Lynne Nikolaisen, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 20, 2003, while the Senate was not in session.

Brian C. Hauswirth, 3808 Terra Bella Drive Apt. B, Jefferson City, Cole County, Missouri 65109, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 210.1012.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2003, while the Senate was not in session.

David J. Heath, 2138 White Lane Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Teresa L. Hensley, 805 East Gore, P.O. Box 245, Raymore, Cass County, Missouri 64083, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Teresa L. Hensley, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2003, while the Senate was not in session.

Steven R. Hermann, 115 Holly Drive, Webster Groves, St. Louis County, Missouri 63119, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, Thomas Schwetye, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Richard Ephraim Hillman, M.D., 7900 Cave Creek Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until his successor is duly appointed and qualified; vice, Richard Ephraim Hillman, M.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Peter W. Hofherr, 19300 County Road 1000, St. James, Phelps County, Missouri 65559, as Director of the Department of Agriculture, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Peter W. Hofherr, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2003, while the Senate was not in session.

William F. Horn, Jr., 36500 E. Steinhauser, Sibley, Jackson County, Missouri 64088, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Ryan W. Horsman, Republican, 13370 Prairie Creek Road, Platte City, Platte County, Missouri 64079, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until his successor is duly appointed and qualified; vice, Ryan W. Horsman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Victoria A. Horst, 9504 Dorisann, St. Louis, St. Louis County, Missouri 63123, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Janet W. Hunt, 7500 Bull Run, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

James D. Jackson, 316 South Institute Street, Richmond, Ray County, Missouri 64085, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Terry L. Jackson, Ph.D., 800 Justin Lane, Ashland, Boone County, Missouri 65010, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending September 17, 2006, and until his successor is duly appointed and qualified; vice, Melinda Elmore, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2003, while the Senate was not in session.

Ray D. Jagger, Democrat, 17118 New Hope, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 23, 2003, while the Senate was not in session.

Londell Jamerson, II, 6 Eads Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2006, and until his successor is duly appointed and qualified; vice, Ronald Johnson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 31, 2003, while the Senate was not in session.

India Daniele Jeffery, 12966 Ox Bow Lane, St. Louis, St. Louis County, Missouri 63138, as a student representative of the Southeast Missouri State University Board of Regents, for a term ending May 1, 2005, and until her successor is duly appointed and qualified; vice, Laura Hockensmith, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Herb R. Johnson, 4504 Sunset Drive, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, Herb R. Johnson, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

Jerry B. Johnson, 1451 Hawk Island Drive, Osage Beach, Camden County, Missouri 65065, as a member of the Missouri State Advisory Council on Pain and Symptom Management, for a term ending February 1, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 192.350.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Mary Virginia Moore Johnson, 512 Morningstar Lane, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Missouri Training and Employment Council, for a term ending September 17, 2007, and until her successor is duly appointed and qualified; vice, John Dial, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

George R. Johnstone, Ph.D., 806 Crestland, Columbia, Boone County, Missouri 65203, as a member of the State Committee of Psychologists, for a term ending August 24, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Timothy J. Klotz, 135 Anderson Street, St. Charles, St. Charles County, Missouri 63301, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Timothy J. Klotz, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Micki A. Knowles, 30172 South Hwy. 11, Brookfield, Linn County, Missouri 64628, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2005, and until her successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2003, while the Senate was not in session.

John J. Kopp, P.O. Box 67, 507 E. Jefferson Street, Windsor, Henry County, Missouri 65360, as a member of the Administrative Hearing Commission, for a term ending July 1, 2009, and until his successor is duly appointed and qualified; vice, T. "Chris" Graham, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Ik-Whan G. Kwon, 234 New Salem Drive, St. Louis, St. Louis County, Missouri 63108, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, Ik-Whan G. Kwon, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

David J. Lackey, 15801 S. Clinkenbeard Road, Ashland, Boone County, Missouri 65010, as a member of the Missouri Board of Occupational Therapy, for a term ending January 23, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

Lori A. Ladd, 1295 Hidden Oak Road, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri State Advisory Council on Pain and Symptom Management, for a term ending February 1, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 192.350.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2003, while the Senate was not in session.

Bonnie Sue Lawson, 3709 Christie Lane, St. Joseph, Buchanan County, Missouri 64504, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2006, and until her successor is duly appointed and qualified; vice, Dana Hockensmith, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2003, while the Senate was not in session.

Cheri Leigh, 8308 Mercier, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 28, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

David G. Liechti, Democrat, 2405 N. Circle Drive, St. Joseph, Buchanan County, Missouri 64505, as a member of the State Board of Education, for a term ending July 1, 2010, and until his successor is duly appointed and qualified; vice, Betty Preston, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 20, 2003, while the Senate was not in session.

Sheldon Lee Lineback, 337 Hutton Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 210.1012.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Gretchen C. Lockett, 4466 West Pine Boulevard, #6B, St. Louis City, Missouri 63108, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2007, and until her successor is duly appointed and qualified; vice, Gretchen C. Lockett, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2003, while the Senate was not in session.

Nicola J. Longford, 1114 Dover Place, St. Louis City, Missouri 63111, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2003, while the Senate was not in session.

Karen M. Luebbert, Ph.D., 1220 Somerset Field Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Gary W. Maienschein, 3551 Gettysburg Place, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Gary W. Maienschein, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until his successor is duly appointed and qualified; vice, Stacy A. Mangum, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2003, while the Senate was not in session.

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 23, 2003, while the Senate was not in session.

Pamela L. Marshall, 1234 Bayard Avenue, St. Louis, St. Louis County, Missouri 63113, as a member of the State Board of Pharmacy, for a term ending December 22, 2008, and until her successor is duly appointed and qualified; vice, Martin Michel, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Herbert W. Martin, Democrat, 606 West Red Bridge Road, Kansas City, Jackson County, Missouri 64114, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2005, and until his successor is duly appointed and qualified; vice, Herbert W. Martin, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2003, while the Senate was not in session.

Robert H. Marty, 1411 Bennington, Mexico, Audrain County, Missouri 65265, as a member of the Children's Trust Fund Board, for a term ending September 15, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

Mary K. Matalone, 3612 Northeast Chouteau, Apt. D, Kansas City, Clay County, Missouri 64117, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on January 6, 2004, while the Senate was not in session.

Edward C. Matthews, III, Republican, 901 Allen Blvd., Sikeston, Scott County, Missouri 63801, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Doyle Lee Privett, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Vicki L. McCarrell, 6879 Highway 135, Pilot Grove, Cooper County, Missouri 65276, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending July 10, 2006, and until her successor is duly appointed and qualified; vice, Vicki L. McCarrell, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 18, 2003, while the Senate was not in session.

Emmy L. McClelland, Republican, 455 Pasadena, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Fred L. McClure, III, 2110 Briargate Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Fred L. McClure, III, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 23, 2003, while the Senate was not in session.

Ruby M. Mehrer, 1558 Canterbury Lane, Liberty, Clay County, Missouri 64068, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until her successor is duly appointed and qualified; vice, Sandra Grebing, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Miguel Meneses, 2615 Madison, Kansas City, Jackson County, Missouri 64108, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, Miguel Meneses, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 20, 2003, while the Senate was not in session.

Terry D. Milam, 805 Chateau Valley Court, Ferguson, St. Louis County, Missouri 63135, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 210.1012.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Lowell Mohler, Republican, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the Conservation Commission, for a term ending July 1, 2009, and until his successor is duly appointed and qualified; vice, Lowell Mohler, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Raymond J. Mungenast, 17611 Melrose Road, Wildwood, St. Louis County, Missouri 63038, as a member of the Missouri Head Injury Advisory Council, for a term ending July 23, 2006, and until his successor is duly appointed and qualified; vice, Raymond J. Mungenast, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 26, 2003, while the Senate was not in session.

Carl M. Myers, M.D., Democrat, 7501 NW Eastside Drive, Weatherby Lake, Platte County, Missouri 64152, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 9, 2003, while the Senate was not in session.

Kay Lynne Myers, 505 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Children's Trust Fund Board, for a term ending September 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Andrew P. Nahlik, 15637 Century Lake Drive, Chesterfield, St. Louis County, Missouri 63017, as student representative of the Central Missouri State University Board of Governors, for a term ending July 2, 2005, and until his successor is duly appointed and qualified; vice, Andrew P. Nahlik, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

H. Bruce Nethington, Republican, 1130 South Geyer Road, Kirkwood, St. Louis County, Missouri 63122-7108, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, H. Bruce Nethington, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2003, while the Senate was not in session.

Robert P. Neumann, 5917 S. State Hwy. ZZ, Republic, Greene County, Missouri 65738, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Anitra L. Nevels, 7324 Parkview Drive, Apt. 4, St. Louis City, Missouri 63109, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2006, and until her successor is duly appointed and qualified; vice, Anitra L. Nevels, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Franklin D. Nickell, Democrat, 1627 Scivally Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Mississippi River Parkway Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Franklin D. Nickell, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 25, 2003, while the Senate was not in session.

John K. Nisbett, Ph.D., Democrat, 26503 County Road 432, St. James, Maries County, Missouri 65559, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

William Owens, M.D., Republican, 500 North & South Road #102, St. Louis, St. Louis County, Missouri 63130, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Diliane Charles Pelikan, 511 Bonhomme Forest, St. Louis, St. Louis County, Missouri 63132, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, Diliane Charles Pelikan, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Linda Picou, Republican, 2546 Grayland Walk, St. Louis, St. Louis County, Missouri 63129, as a member of the Workers' Compensation Determination Review Board, for a term ending

March 3, 2004, and until her successor is duly appointed and qualified; vice, Linda Cartwright, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Glennon R. Polete, Republican, 717 Valley Brook, Farmington, St. Francois County, Missouri 63640, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Roger D. Porter, 3904 Barrington Drive, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, Roger D. Porter, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Terri L. Powell, Republican, 1961 Marine Terrace, Apt. G, St. Louis, St. Louis County, Missouri 63146, as a member of the State Committee of Dietitians, for a term ending June 11, 2007, and until her successor is duly appointed and qualified; vice, Terri L. Powell, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Gerald L. Randall, Democrat, 7722 Northeast 51st, Kansas City, Clay County, Missouri 64119, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2007, and until his successor is duly appointed and qualified; vice, Gerald L. Randall, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Linda Brown Reed, #9 Princeton, University City, St. Louis County, Missouri 63130, as a member of the Children's Trust Fund Board, for a term ending August 6, 2006, and until her successor is duly appointed and qualified; vice, Linda Brown Reed, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Tracy Maria Reed, D.P.M., 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, Tracy Maria Reed, D.P.M., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Tracy Maria Reed, D.P.M., Democrat, 14291 Riverfront Drive, Florissant, St. Louis County, Missouri 63034, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2004, and until her successor is duly appointed and qualified; vice, Tracy Maria Reed, D.P.M., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 6, 2003, while the Senate was not in

session.

Vicki C. Rhew, Democrat, 616 Tonya Avenue, Kennett, Dunklin County, Missouri 63857, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until her successor is duly appointed and qualified; vice, Carol Stow, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

David E. Richards, 2664 S. Catalina Avenue, Springfield, Greene County, Missouri 65804, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2004, and until his successor is duly appointed and qualified; vice, David E. Richards, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Judith D. Riehl, 3248 Patterson Place Drive #307, St. Louis, St. Louis County, Missouri 63129, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, Jonathan VanderBrug, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2003, while the Senate was not in session.

Sherri A. Robins, Democrat, 6228 Paddock Drive, Florissant, St. Louis County, Missouri 63033, as a member of the State Lottery Commission, for a term ending September 7, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2003, while the Senate was not in session.

Sharon A. Robinson, Republican, 477 Mark Twain Loop, P.O. Box 187, Union, Franklin County, Missouri 63084, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2007, and until her successor is duly appointed and qualified; vice, Odell McGowan, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2003, while the Senate was not in session.

Gregory A. Roebach, 301 Stonehenge Drive, Washington, Franklin County, Missouri 63090, as a member of the State Committee for Professional Counselors, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, Dorothy B. McGuffin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Anne Elisa Ross, 223 Scott Station Road, Jefferson City, Cole County, Missouri 65109, as a member of the Minority and Underrepresented Environmental Literacy Program, for a term ending at the pleasure of the Governor and until her successor is duly appointed and qualified; vice, Melva Ware, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Margaret J. Russell, 9425 East 90th Terrace, Kansas City, Jackson County, Missouri 64138, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2009, and until her successor is duly appointed and qualified; vice, Margaret J. Russell, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 23, 2003, while the Senate was not in session.

Randall H. Sammons, 1440 Smizer Mill Road, Fenton, St. Louis County, Missouri 63026, as a member of the State Advisory Council on Emergency Medical Services, for a term ending

January 5, 2008, and until his successor is duly appointed and qualified; vice, William Brandes, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Orville L. Schaefer, 218 Smith Street, Perryville, Perry County, Missouri 63775, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2006, and until his successor is duly appointed and qualified; vice, Orville L. Schaefer, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

John A. Scherr, 2353 Malibu Drive, St. Charles, St. Charles County, Missouri 63303, as a member of the Missouri Head Injury Advisory Council, for a term ending July 2, 2006, and until his successor is duly appointed and qualified; vice, John A. Scherr, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Pamela J. Schneeflock, 601 W. Main, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Pamela J. Schneeflock, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2003, while the Senate was not in session.

Zoretta V. Schoonover, Democrat, 418 Lake Shore Drive, St. Clair, Franklin County, Missouri 63077, as a member of the Dam and Reservoir Safety Council, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, Jolene M. Schulz, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Henry D. Shannon, 11518 Rosary Lane, St. Louis, St. Louis County, Missouri 63138, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, Henry D. Shannon, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2003, while the Senate was not in session.

Carol Shelley, 816 Alta, Pevely, Jefferson County, Missouri 63070, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, Virginia Evans, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Samuel L. Shipman, 5525 Bagnall Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2003, while the Senate was not in session.

Kenneth R. Shuler, Democrat, 5586 Highway 123, Walnut Grove, Polk County, Missouri 65770, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2006, and until his successor is duly appointed and qualified; vice, Paul Potthoff, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Loramel P. Shurtleff, Republican, 309 W. Burnam Road, Columbia, Boone County, Missouri 65203, as a member of the Public Defender Commission, for a term ending December 30, 2007, and until her successor is duly appointed and qualified; vice, Loramel P. Shurtleff, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 11, 2003, while the Senate was not in session.

Kelvin L. Simmons, 601 Wolf Trail, Columbia, Boone County, Missouri 65201, as Director of the Department of Economic Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Joseph L. Driskill, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

John W. Siscel, III, Republican, 4804 Marchwood Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2006, and until his successor is duly appointed and qualified; vice, John W. Siscel, III, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Derotha G. Skaggs, 2400 A. West Maude Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Sybl D. Slaughter, Republican, 23572 Fox Drive, Lebanon, Laclede County, Missouri 65536, as a member of the State Board of Education, for a term ending July 1, 2011, and until her successor is duly appointed and qualified; vice, Paula Spring, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Barbara B. Smith, 208 Ellen Street, Sikeston, Scott County, Missouri 63801, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until her successor is duly appointed and qualified; vice, Barbara B. Smith, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 16, 2003, while the Senate was not in session.

Dayna M. Stock, 6625 Alamo Avenue, #1W, St. Louis, St. Louis County, Missouri 63105, as a member of the State Board of Optometry, for a term ending August 16, 2007, and until her successor is duly appointed and qualified; vice, Vickie Young, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 23, 2003, while the Senate was not in session.

Cynthia A. Suter, 1346 Woody, Moberly, Randolph County, Missouri 65270, as public member of the Missouri State Board of Nursing, for a term ending June 1, 2007, and until her successor is duly appointed and qualified; vice, Paul Lineberry, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

Conrad H. Sutton, 2758 State Route 76, #1, Willow Springs, Howell County, Missouri 65793, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

Raymond C. Tait, Ph.D., 12 Tuscany Park, St. Louis, St. Louis County, Missouri 63105, as a member of the Missouri State Advisory Council on Pain and Symptom Management, for a term ending February 1, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 192.350.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Nancy D. Anderson Tayborn, Democrat, 4339 Randall Place, St. Louis City, Missouri 63107, as a member of the Missouri Minority Business Advocacy Commission, for a term ending September 2, 2006, and until her successor is duly appointed and qualified; vice, Nancy D. Anderson Tayborn, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

E. Maxine Thompson, 7085 Northeast Jones Road, Cameron, Clinton County, Missouri 64429, as a member of the Missouri Dental Board, for a term ending August 16, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

John L. Tirre, 769 Hillenkamp, St. Charles, St. Charles County, Missouri 63304, as a member of the State Board of Cosmetology, for a term ending October 13, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

David S. Topash, 2701 Isherwood Drive, Columbia, Boone County, Missouri 65202, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Charles W. Tyler, 4027 Juniata Street, St. Louis City, Missouri 63116, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Charles W. Tyler, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Lorene A. Van Dam, Republican, 2477 Pioneer Point Road, Galena, Stone County, Missouri 65656, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2007, and until her successor is duly appointed and qualified; vice, Lorene A. Van Dam, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 17, 2003, while the Senate was not in session.

Carrie A. Vanderford, Democrat, 8020 North Lydia Avenue, Kansas City, Clay County, Missouri 64118, as a member of the Missouri Community Service Commission, for a term ending September 17, 2006, and until her successor is duly appointed and qualified; vice, Cassandra Herrman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

Beth L. Viviano, 358 Summer Top Lane, Fenton, St Louis County, Missouri 63026, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Daniel L. Vornberg, 556 Purdue, University City, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Daniel L. Vornberg, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 30, 2003, while the Senate was not in session.

John E. Waldschlager, 101 Carriage Road, Hannibal, Marion County, Missouri 63401, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on October 2, 2003, while the Senate was not in

session.

Timothy James Warren, Republican, 512 Robin Crest Court, Wildwood, St. Louis County, Missouri 63040, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 20, 2003, while the Senate was not in session.

Ajamu K. Webster, 6630 Agnes, Kansas City, Jackson County, Missouri 64132, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until his successor is duly appointed and qualified; vice, Sheryl Johnson-Stampley, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 23, 2003, while the Senate was not in session.

Suzanne Wells, R.N., 534 Sheffield, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, Donna Evert, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Deleta Parmley Williams, Democrat, 110 East Hale Lake Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Central Missouri State University Board of Governors, for a term ending August 20, 2009, and until her successor is duly appointed and qualified; vice, Deleta Parmley Williams, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on December 4, 2003, while the Senate was not in session.

Glen B. Williams, Democrat, 103 South Main Street, Eminence, Shannon County, Missouri 65466, as a member of the State Banking Board, for a term ending August 29, 2009, and until his successor is duly appointed and qualified; vice, Frank Wiles, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Kelli A. Wolf, 3004 Twin Pines Avenue, Harrisonville, Cass County, Missouri 64701, as student representative of the Southwest Missouri State University Board of Governors, for a term

ending July 2, 2005, and until her successor is duly appointed and qualified; vice, Kelli A. Wolf, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Roger D. Young, 801 East 7th Street, Laddonia, Audrain County, Missouri 63352, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2007, and until his successor is duly appointed and qualified; vice, Roger D. Young, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Jeannette A. Zinkgraf, 1400 Marlann Drive, St. Louis, St. Louis County, Missouri 63131, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2005, and until her successor is duly appointed and qualified; vice, Jeannette A. Zinkgraf, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on September 15, 2003, while the Senate was not in session.

Steven C. Zweig, M.D., 1209 Sunset Drive, Columbia, Boone County, Missouri 65203, as a member of the Commission for the Missouri Senior Rx Program, for a term ending November 8, 2004, and until his successor is duly appointed and qualified; vice, Steven C. Zweig, M.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 7, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by me on November 13, 2003, while the Senate was not in session.

Benedict K. Zobrist, Ph.D., 71-B "T" Street, Lake Lotawana, Jackson County, Missouri 64086-9728, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 1076, regarding Richard Malon, Columbia, which was adopted.

Senator Gross offered Senate Resolution No. 1077, regarding Steven Walter LaBozzetta, St. Charles, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 6, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

Senator Peter Kinder

Senate President Pro Tem

Capitol Building, Room 326

Jefferson City, Missouri 65101

RE: Committee Appointment Modifications

Dear Terry and Peter:

Due to the recent election and swearing in of Senator Victor Callahan (Dist. 11), the following are changes that should be made on Wednesday regarding Democrat appointments to Rule 25 committees for the 92nd General Assembly Second Regular Session:

- 1. Committee on Small Business, Insurance and Industrial Relations: Please appoint Senator Callahan to the spot vacated by the late Senator DePasco.
- 2. Committee on Transportation: Please appoint Senator Callahan to the spot vacated by the late Senator DePasco.
- 3. Committee on Ways and Means: Please remove me from that Committee and appoint Senator Callahan in my place.
- 4. Committee on Legislative Research: Please remove me from that Committee and appoint Senator Callahan in my place.

I will also note that there may be a few additional changes to be made. As our Caucus meets throughout the next few days and weeks, I will let you know if further modifications in Democrat appointments need to be made to these, or other, committees.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Greg Porter, Kansas City.

Senator Gross introduced to the Senate, Justin Collier, St. Charles.

Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. Kathy M. Perryman, and her daughter Natalie, Kansas City.

Senator Mathewson introduced to the Senate, Landra Pummill, Sweet Springs.

Senator Kennedy introduced to the Senate, Jim Sondermann, St. Louis.

Senator Jacob introduced to the Senate, Chris Schappe, Columbia.

Senator Childers introduced to the Senate, his wife, Sue, Reeds Spring.

On behalf of Senator Dougherty and herself, Senator Coleman introduced to the Senate, Angela Farrar, Springfield.

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin.

Senator Goode introduced to the Senate, Vanessa Crawford, St. Peters.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY-THURSDAY, JANUARY 8, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS SB 700-Russell

SB 701-Russell

SB 702-Russell

SB 703-Caskey

SB 704-Caskey

SB 705-Caskey

SB 706-Mathewson, et al

SB 707-Mathewson

SB 708-Mathewson

SB 709-Goode, et al

SB 710-Goode and Bray

SB 711-Goode

SB 712-Quick

SB 713-Quick and Bray

SB 714-Kinder, et al

SB 715-Childers

SB 716-Childers

SB 717-Childers

SB 718-Yeckel, et al

SB 719-Yeckel

SB 720-Yeckel

SB 721-Jacob

SB 722-Jacob

SB 723-Jacob

SB 724-Bland

SB 725-Bland

SB 726-Bland

SB 727-Steelman

SB 728-Steelman

SB 729-Steelman

SB 730-Gross

SB 731-Gross

SB 732-Gross

SB 733-Foster

SB 734-Foster

SB 735-Foster, et al

SB 736-Loudon and Russell

SB 737-Loudon

SB 738-Loudon

SB 739-Klindt

SB 740-Klindt

SB 741-Klindt

SB 742-Cauthorn

SB 743-Cauthorn

SB 744-Cauthorn, et al

SB 745-Dougherty, et al

SB 746-Dougherty, et al

SB 747-Dougherty

SB 748-Kennedy

SB 749-Kennedy

SB 750-Kennedy

SB 751-Coleman

SB 752-Coleman

SB 753-Coleman

SB 754-Vogel

SB 755-Shields

SB 756-Shields

SB 757-Shields

SB 758-Griesheimer

SB 759-Griesheimer

SB 760-Griesheimer

SB 761-Champion, et al

SB 762-Champion

SB 763-Bartle

SB 764-Bartle

SB 765-Bartle

SB 766-Clemens

SB 767-Clemens

SB 768-Nodler

SB 769-Nodler

SB 770-Nodler

SB 771-Bray

SB 772-Bray

SB 773-Bray and Dougherty

SB 774-Wheeler

SB 775-Wheeler

SB 776-Wheeler

SB 777-Russell

SB 778-Russell

SB 779-Russell

SB 780-Caskey

SB 781-Caskey

SB 782-Caskey

SB 783-Mathewson

SB 784-Goode and Stoll

SB 785-Goode

SB 786-Goode

SB 787-Childers

SB 788-Childers

SB 789-Childers

SB 790-Yeckel

SB 791-Yeckel, et al

SB 792-Yeckel

SB 793-Jacob

SB 794-Jacob

SB 795-Bland, et al

SB 796-Bland

SB 797-Bland

SB 798-Steelman

SB 799-Steelman

SB 800-Steelman, et al

SB 801-Gross

SB 802-Gross

SB 803-Gross

SB 804-Foster

SB 805-Loudon

SB 806-Loudon

SB 807-Loudon

SB 808-Klindt

SB 809-Klindt

SB 810-Klindt

SB 811-Cauthorn

SB 812-Cauthorn

SB 813-Cauthorn

SB 814-Dougherty, et al

SB 815-Dougherty and Kennedy

SB 816-Dougherty, et al

SB 817-Kennedy and Griesheimer

SB 818-Coleman

SB 819-Coleman

SB 820-Coleman

SB 821-Shields

SB 822-Shields

SB 823-Shields

SB 824-Griesheimer

SB 825-Griesheimer

SB 826-Bartle

SB 827-Bartle

SB 828-Bartle

SB 829-Bray

SB 830-Bray

SB 831-Bray

SB 832-Wheeler

SB 833-Russell

SB 834-Russell

SB 835-Caskey

SB 836-Caskey

SB 837-Caskey

SB 838-Goode, et al

SB 839-Goode

SB 840-Goode

SB 841-Childers

SB 842-Childers

SB 843-Childers

SB 844-Yeckel

SB 845-Yeckel

SB 846-Yeckel

SB 847-Bland

SB 848-Bland

SB 849-Bland

SB 850-Steelman

SB 851-Gross

SB 852-Gross

SB 853-Gross

SB 854-Loudon

SB 855-Loudon

SB 856-Loudon

SB 857-Klindt

SB 858-Klindt

SB 859-Klindt

SB 860-Cauthorn

SB 861-Cauthorn

SB 862-Cauthorn

SB 863-Dougherty

SB 864-Dougherty

SB 865-Dougherty and Kennedy

SB 866-Coleman

SB 867-Coleman

SB 868-Shields

SB 869-Shields

SB 870-Bartle

SB 871-Bray

SB 872-Bray

SB 873-Bray

SB 874-Caskey

SB 875-Caskey and Childers

SB 876-Goode

SB 877-Goode and Days

SB 878-Goode, et al

SB 879-Bland

SB 880-Bland

SB 881-Bland

SB 882-Klindt

SB 883-Klindt

SB 884-Klindt

SB 885-Cauthorn

SB 886-Cauthorn and Klindt

SB 887-Goode

SB 888-Goode

SB 889-Goode

SB 890-Bland

SB 891-Bland

SB 892-Bland

SB 893-Goode

SB 894-Goode

SB 895-Goode

SB 896-Bland

SB 897-Bland

SB 898-Bland

SB 899-Goode

SB 900-Goode

SB 901-Goode

SB 902-Bland

SB 903-Bland

SB 904-Gross and Nodler

SB 905-Foster

SB 906-Foster

SB 907-Klindt

SB 908-Cauthorn

SB 909-Bartle

SB 910-Bland

SB 911-Bland

SB 912-Dougherty and Days

SB 913-Dougherty and Bray

SB 914-Dougherty and Russell

SB 915-Dougherty, et al

SB 916-Dougherty

SB 917-Dougherty and Bray

SB 918-Dougherty, et al

SB 919-Gibbons and Stoll

SB 920-Caskey

SB 921-Caskey

SB 922-Coleman

SB 923-Goode

SB 924-Bland

SB 925-Bland

SB 926-Loudon

SB 927-Loudon

SB 928-Loudon

SB 929-Wheeler

SB 930-Loudon

SB 931-Loudon

SB 932-Loudon

SB 933-Yeckel, et al

SB 934-Bland

SB 935-Gibbons

SB 937-Gross

SB 938-Gross

SB 939-Coleman

SB 940-Coleman

SB 941-Coleman

SB 942-Nodler

SB 943-Goode and Gross

SB 944-Goode

SB 945-Gibbons

SB 946-Bray, et al

SB 947-Russell

SB 948-Steelman

SB 949-Steelman

SB 950-Griesheimer

SB 951-Griesheimer

SB 952-Wheeler

SB 953-Caskey

SB 954-Foster

SB 955-Scott

SB 956-Scott

SB 957-Scott

SB 958-Scott

SB 959-Childers

SB 960-Gibbons

SB 961-Champion

SB 962-Clemens

SB 963-Shields

SB 964-Shields

SB 965-Shields

SB 966-Shields

SB 967-Shields

SB 968-Shields

SB 969-Shields

SB 970-Childers

SB 971-Stoll

SB 972-Stoll

SB 973-Stoll

SB 974-Dougherty

SB 975-Dougherty

SB 976-Stoll

SB 977-Stoll

SB 978-Stoll

SB 979-Stoll

SB 980-Bartle

SB 981-Vogel

SB 982-Coleman

SB 983-Quick

SB 984-Foster

SB 985-Foster

SB 986-Cauthorn

SB 987-Quick

SB 988-Steelman

SB 989-Gross, et al

SB 990-Loudon

SB 991-Dougherty

SB 992-Cauthorn

SB 993-Cauthorn

SB 994-Coleman

SB 995-Coleman

SB 996-Shields

SB 997-Shields

SB 998-Shields

SB 999-Griesheimer

SB 1000-Bartle

SB 1001-Wheeler

SB 1002-Bray

SB 1003-Gibbons, et al

SB 1004-Shields

SB 1005-Shields

SB 1006-Goode, et al

SB 1007-Goode and Mathewson

SB 1008-Goode

SB 1009-Griesheimer

SB 1010-Dougherty, et al

SB 1011-Dougherty

SB 1012-Caskey

SB 1013-Stoll

SB 1014-Yeckel

SJR 24-Caskey

SJR 25-Yeckel

SJR 26-Yeckel

SJR 27-Jacob

SJR 28-Jacob

SJR 29-Steelman, et al

SJR 30-Gross

SJR 31-Loudon

SJR 32-Cauthorn

SJR 33-Coleman

SJR 34-Bartle

SJR 35-Bland

SJR 36-Foster

SJR 37-Scott

SJR 38-Scott

SJR 39-Foster

SJR 40-Stoll RESOLUTIONS HCR 1-Crowell (Gibbons)

HCR 2-Crowell (Gibbons)

HCR 3-Crowell (Gibbons) To be Referred SCR 22-Kinder

SCR 23-Gross

SCR 24-Cauthorn, et al

Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 8, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Those of steadfast mind you keep in peace - in peace because they trust you." (Isaiah 26:3)

Lord God, we know that those who have experienced Your love have learned to trust in You. Help us all to have such trust that we may know Your peace through these days of challenge and change, for Lord, we know, we will need it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
Dolan	Dougherty--2		

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1078, regarding Marcella W. Boerding, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 1079, regarding the Ninetieth Birthday of Vesta Pruitt, Saint Louis, which was adopted.

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1080

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1015-By Kennedy.

An Act to amend chapters 488 and 589, RSMo, by adding thereto two new sections relating to creation of the gang resistance education and training program and the show-me students with character initiative.

SB 1016-By Champion, Coleman and Steelman.

An Act to repeal sections 610.010, 610.020, 610.023, and 610.026, RSMo, and to enact in lieu thereof four new sections relating to electronic public meetings and records.

SB 1017-By Champion.

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to obeying the lawful order of a law enforcement officer.

SB 1018-By Champion.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to children placed in the protective custody of the children's division.

SB 1019-By Steelman.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

SB 1020-By Steelman and Kinder.

An Act to repeal sections 610.010, 610.020, 610.021, 610.022, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof nine new sections relating to public records.

SB 1021-By Steelman.

An Act to repeal section 168.500, RSMo, and to enact in lieu thereof one new section relating to the career ladder placement of speech pathologists.

SB 1022-By Gross.

An Act to repeal section 660.520, RSMo, and to enact in lieu thereof one new section relating to child pornography.

SB 1023-By Griesheimer.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to the criminal use of audiovisual recording devices, with penalty provisions.

SB 1024-By Stoll.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to mechanical codes.

SB 1025-By Griesheimer and Steelman.

An Act to repeal section 392.200, RSMo, and to enact in lieu thereof one new section relating to telecommunications services.

CONCURRENT RESOLUTIONS

Senators Stoll, Nodler, Caskey and Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public service by taking away benefits they have earned; and

WHEREAS, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

WHEREAS, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

WHEREAS, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

WHEREAS, the impact of the GPO and WEP is not just felt in those states in which public employees, including educators, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

WHEREAS, the GPO and WEP apply to all vested members of the Public School Retirement System of Missouri; and

WHEREAS, the number of people affected across the country is growing every day as more and more people reach retirement age; and

WHEREAS, some 300,000 individuals lose an average of \$3,600 a year due to the GPO; and

WHEREAS, this amount can make the difference between self-sufficiency and poverty; and

WHEREAS, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

WHEREAS, during a national teacher shortage, the GPO and WEP discourage people from entering and staying in the teaching profession, since doing so will mean a loss of earned Social Security benefits; and

WHEREAS, the GPO and WEP are also causing current educators to leave the profession and students to choose courses of study other than education; and

WHEREAS, non-Social Security states are finding it increasingly difficult to attract quality educators as more people learn about the GPO and WEP; and

WHEREAS, the nation should respect, not penalize, public service; and

WHEREAS, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

REFERRALS

President Pro Tem Kinder referred **SCR 22**, **SCR 23** and **SCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 700--Economic Development, Tourism and Local Government.

SB 701--Small Business, Insurance and Industrial Relations.

SB 703--Judiciary and Civil and Criminal Jurisprudence.

SB 704--Judiciary and Civil and Criminal Jurisprudence.

SB 705--Small Business, Insurance and Industrial Relations.

SB 706--Judiciary and Civil and Criminal Jurisprudence.

SB 707--Ways and Means.

SB 709--Ways and Means.

SB 710--Transportation.

SB 712--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 713--Judiciary and Civil and Criminal Jurisprudence.

SB 714--Pensions and General Laws.

SB 715--Economic Development, Tourism and Local Government.

SB 717--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 718--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 719--Small Business, Insurance and Industrial Relations.

SB 720--Ways and Means.

SB 721--Ways and Means.

SB 722--Small Business, Insurance and Industrial Relations.

SB 723--Education.

SB 724--Education.

SB 725--Judiciary and Civil and Criminal Jurisprudence.

SB 726--Judiciary and Civil and Criminal Jurisprudence.

SB 727--Judiciary and Civil and Criminal Jurisprudence.

SB 728--Ways and Means.

SB 730--Ways and Means.

SB 731--Transportation.

SB 732--Agriculture, Conservation, Parks and Natural Resources.

SB 733--Education.

SB 734--Small Business, Insurance and Industrial Relations.

SB 735--Agriculture, Conservation, Parks and Natural Resources.

SB 736--Small Business, Insurance and Industrial Relations.

SB 737--Small Business, Insurance and Industrial Relations.

SB 738--Judiciary and Civil and Criminal Jurisprudence.

SB 739--Agriculture, Conservation, Parks and Natural Resources.

SB 740--Agriculture, Conservation, Parks and Natural Resources.

SB 741--Agriculture, Conservation, Parks and Natural Resources.

SB 742--Small Business, Insurance and Industrial Relations.

SB 743--Small Business, Insurance and Industrial Relations.

SB 744--Transportation.

SB 745--Aging, Families, Mental and Public Health.

SB 747--Small Business, Insurance and Industrial Relations.

SB 748--Transportation.

SB 749--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 750--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 752--Judiciary and Civil and Criminal Jurisprudence.

SB 754--Ways and Means.

SB 755--Pensions and General Laws.

SB 756--Ways and Means.

SB 757--Transportation.

SB 758--Economic Development, Tourism and Local Government.

SB 759--Commerce and the Environment.

SB 760--Transportation.

SB 761--Pensions and General Laws.

SB 762--Aging, Families, Mental and Public Health.

SB 763--Aging, Families, Mental and Public Health.

SB 764--Education.

SB 765--Judiciary and Civil and Criminal Jurisprudence.

SB 766--Transportation.

SB 767--Transportation.

SB 768--Education.

SB 769--Economic Development, Tourism and Local Government.

SB 770--Transportation.

SB 771--Transportation.

SB 772--Transportation.

SB 773--Small Business, Insurance and Industrial Relations.

SB 775--Aging, Families, Mental and Public Health.

SB 776--Aging, Families, Mental and Public Health.

SB 777--Ways and Means.

SB 778--Ways and Means.

SB 779--Commerce and the Environment.

SB 780--Education.

SB 781--Judiciary and Civil and Criminal Jurisprudence.

SB 782--Economic Development, Tourism and Local Government.

SB 783--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 784--Economic Development, Tourism and Local Government.

SB 785--Agriculture, Conservation, Parks and Natural Resources.

SB 786--Commerce and the Environment.

SB 789--Economic Development, Tourism and Local Government.

SB 791--Ways and Means.

SB 792--Ways and Means.

SB 793--Judiciary and Civil and Criminal Jurisprudence.

SB 794--Ways and Means.

SB 795--Small Business, Insurance and Industrial Relations.

SB 796--Education.

SB 797--Ways and Means.

SB 798--Transportation.

SB 799--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 800--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 802--Judiciary and Civil and Criminal Jurisprudence.

COMMUNICATIONS

President Pro Tem Kinder submitted the following hearing schedule:



INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Joshua Babb, Neosho.

Senator Clemens introduced to the Senate, Brad Risby, Springfield; and Gus Wagner, Villa Ridge.

Senator Yeckel introduced to the Senate, Jessica Jones, Kirksville.

Senator Caskey introduced to the Senate, Anjee Wilson, Holt's Summit.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, January 12, 2004.

SENATE CALENDAR

THIRD DAY-MONDAY, JANUARY 12, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 702-Russell

SB 708-Mathewson

SB 711-Goode

SB 716-Childers

SB 729-Steelman

SB 746-Dougherty, et al

SB 751-Coleman

SB 753-Coleman

SB 774-Wheeler

SB 787-Childers

SB 788-Childers

SB 790-Yeckel

SB 801-Gross

SB 803-Gross

SB 804-Foster

SB 805-Loudon

SB 806-Loudon

SB 807-Loudon

SB 808-Klindt

SB 809-Klindt

SB 810-Klindt

SB 811-Cauthorn

SB 812-Cauthorn

SB 813-Cauthorn

SB 814-Dougherty, et al

SB 815-Dougherty and Kennedy

SB 816-Dougherty, et al

SB 817-Kennedy and Griesheimer

SB 818-Coleman

SB 819-Coleman

SB 820-Coleman

SB 821-Shields

SB 822-Shields and Yeckel

SB 823-Shields

SB 824-Griesheimer

SB 825-Griesheimer

SB 826-Bartle

SB 827-Bartle

SB 828-Bartle

SB 829-Bray

SB 830-Bray

SB 831-Bray

SB 832-Wheeler

SB 833-Russell

SB 834-Russell

SB 835-Caskey

SB 836-Caskey

SB 837-Caskey

SB 838-Goode, et al

SB 839-Goode

SB 840-Goode

SB 841-Childers

SB 842-Childers

SB 843-Childers

SB 844-Yeckel

SB 845-Yeckel

SB 846-Yeckel

SB 847-Bland

SB 848-Bland

SB 849-Bland

SB 850-Steelman

SB 851-Gross

SB 852-Gross

SB 853-Gross

SB 854-Loudon

SB 855-Loudon

SB 856-Loudon

SB 857-Klindt

SB 858-Klindt

SB 859-Klindt

SB 860-Cauthorn

SB 861-Cauthorn

SB 862-Cauthorn

SB 863-Dougherty

SB 864-Dougherty

SB 865-Dougherty and Kennedy

SB 866-Coleman

SB 867-Coleman

SB 868-Shields

SB 869-Shields

SB 870-Bartle

SB 871-Bray

SB 872-Bray

SB 873-Bray

SB 874-Caskey

SB 875-Caskey and Childers

SB 876-Goode

SB 877-Goode and Days

SB 878-Goode, et al

SB 879-Bland

SB 880-Bland

SB 881-Bland

SB 882-Klindt

SB 883-Klindt

SB 884-Klindt

SB 885-Cauthorn

SB 886-Cauthorn and Klindt

SB 887-Goode

SB 888-Goode

SB 889-Goode

SB 890-Bland

SB 891-Bland

SB 892-Bland

SB 893-Goode

SB 894-Goode

SB 895-Goode

SB 896-Bland

SB 897-Bland

SB 898-Bland

SB 899-Goode

SB 900-Goode

SB 901-Goode

SB 902-Bland

SB 903-Bland

SB 904-Gross and Nodler

SB 905-Foster

SB 906-Foster

SB 907-Klindt

SB 908-Cauthorn

SB 909-Bartle

SB 910-Bland

SB 911-Bland

SB 912-Dougherty and Days

SB 913-Dougherty and Bray

SB 914-Dougherty and Russell

SB 915-Dougherty, et al

SB 916-Dougherty

SB 917-Dougherty and Bray

SB 918-Dougherty, et al

SB 919-Gibbons and Stoll

SB 920-Caskey

SB 921-Caskey

SB 922-Coleman

SB 923-Goode

SB 924-Bland

SB 925-Bland

SB 926-Loudon

SB 927-Loudon

SB 928-Loudon

SB 929-Wheeler

SB 930-Loudon

SB 931-Loudon

SB 932-Loudon

SB 933-Yeckel, et al

SB 934-Bland

SB 935-Gibbons

SB 937-Gross

SB 938-Gross

SB 939-Coleman

SB 940-Coleman

SB 941-Coleman

SB 942-Nodler

SB 943-Goode and Gross

SB 944-Goode

SB 945-Gibbons

SB 946-Bray, et al

SB 947-Russell

SB 948-Steelman

SB 949-Steelman

SB 950-Griesheimer

SB 951-Griesheimer

SB 952-Wheeler

SB 953-Caskey

SB 954-Foster

SB 955-Scott

SB 956-Scott

SB 957-Scott

SB 958-Scott

SB 959-Childers

SB 960-Gibbons

SB 961-Champion

SB 962-Clemens

SB 963-Shields

SB 964-Shields

SB 965-Shields

SB 966-Shields

SB 967-Shields

SB 968-Shields

SB 969-Shields

SB 970-Childers

SB 971-Stoll

SB 972-Stoll

SB 973-Stoll

SB 974-Dougherty

SB 975-Dougherty

SB 976-Stoll

SB 977-Stoll

SB 978-Stoll

SB 979-Stoll

SB 980-Bartle

SB 981-Vogel

SB 982-Coleman

SB 983-Quick

SB 984-Foster

SB 985-Foster

SB 986-Cauthorn

SB 987-Quick

SB 988-Steelman

SB 989-Gross, et al

SB 990-Loudon

SB 991-Dougherty

SB 992-Cauthorn

SB 993-Cauthorn

SB 994-Coleman

SB 995-Coleman

SB 996-Shields

SB 997-Shields

SB 998-Shields

SB 999-Griesheimer

SB 1000-Bartle

SB 1001-Wheeler

SB 1002-Bray

SB 1003-Gibbons, et al

SB 1004-Shields

SB 1005-Shields and Stoll

SB 1006-Goode, et al

SB 1007-Goode and

Mathewson

SB 1008-Goode

SB 1009-Griesheimer

SB 1010-Dougherty, et al

SB 1011-Dougherty

SB 1012-Caskey

SB 1013-Stoll

SB 1014-Yeckel

SB 1015-Kennedy

SB 1016-Champion

SB 1017-Champion

SB 1018-Champion

SB 1019-Steelman

SB 1020-Steelman and Kinder

SB 1021-Steelman

SB 1022-Gross

SB 1023-Griesheimer

SB 1024-Stoll

SB 1025-Griesheimer and Steelman

SJR 24-Caskey

SJR 25-Yeckel

SJR 26-Yeckel

SJR 27-Jacob

SJR 28-Jacob

SJR 29-Steelman, et al

SJR 30-Gross

SJR 31-Loudon

SJR 32-Cauthorn

SJR 33-Coleman

SJR 34-Bartle

SJR 35-Bland

SJR 36-Foster

SJR 37-Scott

SJR 38-Scott

SJR 39-Foster

SJR 40-Stoll

RESOLUTIONS

HCR 1-Crowell (Gibbons)

HCR 2-Crowell (Gibbons)

HCR 3-Crowell (Gibbons)

To be Referred

SCR 25-Stoll, et al

Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 12, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Though He slays me, yet will I trust Him." (Job 13:15)

Almighty God give us the trust of Your servant Job that we too might trust You no matter how heavy and dark the tasks before us may seem or how difficult our journey through this session may become. And, Lord, we pray for Senator Coleman and her family at the death of her father, Earl Henry; we ask that You comfort them with the memory of Your goodness and grant them Your peace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 8, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

Absent with leave--Senators

Dolan Loudon--2

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1081, regarding Patrick Douglas, Sedalia, which was adopted.

Senator Scott offered Senate Resolution No. 1082, regarding Bennie Harper, El Dorado Springs, which was adopted.

Senator Kennedy offered Senate Resolution No. 1083, regarding Steven Cross, Arcadia, which was adopted.

Senator Yeckel offered Senate Resolution No. 1084, regarding Russell L. Ahlheim, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1085, regarding Jane Carr, Affton, which was adopted.

Senator Foster offered Senate Resolution No. 1086, regarding Justin Bearden, which was adopted.

Senator Yeckel offered Senate Resolution No. 1087, regarding Renee K. Gegg, Ste. Genevieve, which was adopted.

Senator Yeckel offered Senate Resolution No. 1088, regarding Dana Williams, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1089, regarding Katherine Davis, High Ridge, which was adopted.

Senator Yeckel offered Senate Resolution No. 1090, regarding Maryellen R. Harman, Marthasville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1091, regarding Rachel Zerkel, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1092, regarding Beth Greenwood, Jennings, which was adopted.

Senator Yeckel offered Senate Resolution No. 1093, regarding Karin Elise Sabin, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1094, regarding Claresa Lorene Jerrod, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1095, regarding Amie Wilcoxon, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1096, regarding Hannah Miller, Kirkwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1097, regarding Marta Buechler, Ballwin, which was adopted.

Senator Yeckel offered Senate Resolution No. 1098, regarding Rebekah Lynn Ellebrecht, House Springs, which was adopted.

Senator Kennedy offered Senate Resolution No. 1099, regarding Theodore "Ted" Hunt, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1100, regarding Justin Franke, St. Louis, which was adopted.

Senators Days and Dougherty offered Senate Resolution No. 1101, regarding Daniel Sixto Love, Wildwood, which was adopted.

Senator Stoll offered Senate Resolution No. 1102, regarding Patrick Michael Lockwood, Festus, which was adopted.

Senator Klindt offered Senate Resolution No. 1103, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Chester Charles "Andy" Anderson, Amazonia, which was adopted.

Senator Klindt offered Senate Resolution No. 1104, regarding Jeret Brock Donelson, Princeton, which was adopted.

Senator Klindt offered Senate Resolution No. 1105, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles "Goose" Killin, New Point, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1106

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chambers at our State Capitol, where the students in attendance will be addressed by a representative of each of the three branches of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 22, 2004.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1106** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1106** was adopted.

CONCURRENT RESOLUTIONS

Senators Childers and Russell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 26

Relating to the Agroforestry Industrialization Committee.

WHEREAS, the agroforestry industry is a vital industry to Missouri, representing over fourteen million acres of Missouri timberland, which ranks our state seventh out of the twenty northeastern timber states, supports the bulk of Missouri recreation and tourism, directly provides thousands of jobs and supports tens of thousands of jobs where forest land and products are a vital component, directly generates three billion dollars of revenue, and indirectly supports the generation of many more billions of dollars in revenue; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic contribution of this industry while making every attempt to minimize environmental harm and other negative aspects of the industry; and

WHEREAS, the industries' current practice of harvesting sixty percent of the tree, and its predominant production of low value-added products, limits the potential economic contribution to industry participants and to the state; and

WHEREAS, there exists a need for a study of the potential for increased industrial strength and rural economic gains to be realized by agroforestry adopting modern industrial business models and value-added techniques:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of an "Agroforestry Industrialization Committee", which shall review and evaluate both the industrial and economic impact of agroforestry industrialization and environmental responsibilities of this industry and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such committee shall be composed of thirty members, one member to be a member of the Missouri Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the Missouri House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees to be appointed by the Missouri Association of Counties, two landowners representing small forestry holdings with owners of less than two hundred acres of timber to be appointed by the Missouri Farm Bureau, a representative from the Resource Conservation and Development Councils, a representative from the Missouri Department of Natural Resources, a representative from the Department of Natural Resources' Division of Energy, a representative from the Missouri Department of Agriculture, a representative from the Missouri Department of Labor and Industrial Relations, a representative from the Missouri Division of Tourism, a representative from the Missouri Enterprise Business Assistance Center, a representative of the United States Environmental Protection Agency (EPA), a representative of the United States Department of Agriculture Forest Service, a representative of the United States Department of Agriculture, Food, and Natural Resources, a representative of the University of Missouri Commercial Agriculture Program, a representative of the Society of American Foresters, a representative from the Missouri Forest Products Association, a representative of a large-volume active sawmill and a representative of a small-volume active sawmill appointed by the Missouri Department of Conservation, a representative of two active flooring mills appointed by the Missouri Forest Products Association, a person active in the purchase and processing value-added portion of forest products appointed by the Missouri Forest Products Association, a representative from Southeast Missouri State University, and a representative from Southwest Missouri State University. Each member of the committee shall serve until December 31, 2005. A chairman, vice-chairman, and secretary shall be elected by the membership of the committee to conduct the business of the committee; and

BE IT FURTHER RESOLVED that the committee may conduct its business by various means but shall meet no less than twice each year as a full committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the committee in carrying out its duties, including allowing access to closed records, provided that the committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order, and any such information in the custody of the committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide minimal funding, administrative support, and staff for the effective operation of the committee; and

BE IT FURTHER RESOLVED that the committee shall study problems and solutions, collect information, and provide recommendations in a report to the General Assembly before July 30, 2005; and

BE IT FURTHER RESOLVED that the committee shall submit its final report to the General Assembly no later than December 31, 2005; and

BE IT FURTHER RESOLVED that the Agroforestry Industrialization Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Gibbons moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 1** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Dolan	Loudon--2		

Senator Gibbons moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 2** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Kinder--2		

Absent with leave--Senators

Loudon--2

Dolan

Senator Gibbons moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **HCR 3** was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	

NAYS--Senators--None

Absent--Senator Yeckel--1

Absent with leave--Senators

Dolan

Loudon--2

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1026-By Mathewson.

An Act to repeal section 650.055, RSMo, and to enact in lieu thereof one new section relating to DNA testing of felony offenders, with penalty provisions.

SB 1027-By Cauthorn, Yeckel, Foster, Scott, Nodler, Clemens, Steelman, Coleman and Stoll.

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.725, 374.735, 374.740, 374.755, 374.757, 374.763, 544.640, and 544.650, RSMo, and to enact in lieu thereof twenty-four new sections relating to the licensing of surety recovery agents, with penalty provisions.

SB 1028-By Cauthorn.

An Act to repeal sections 34.010, 34.031, 34.032, 34.040, 34.065, and 34.130, RSMo, and to enact in lieu thereof four new sections relating to state purchasing.

SB 1029-By Bray, Days and Dougherty.

An Act to amend chapter 15, RSMo, by adding thereto one new section relating to state contracts.

SB 1030-By Bray, Days and Dougherty.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to health care disclosure.

SB 1031-By Bray, Days, Dougherty and Goode.

An Act to repeal sections 300.330, 300.410, 302.302, 302.304, 302.309, 304.009, 307.180, 565.024, 565.060, and 565.070, RSMo, and to enact in lieu thereof eighteen new sections relating to motor vehicle and bicycle safety, with penalty provisions.

SB 1032-By Bray.

An Act to repeal sections 160.538 and 160.720, RSMo, and to enact in lieu thereof one new section relating to education accountability standards.

SB 1033-By Clemens, Childers, Kennedy, Nodler and Russell.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

SB 1034-By Childers.

An Act to repeal sections 407.670 and 407.671, RSMo, and to enact in lieu thereof eight new sections relating to the buyers club law.

SB 1035-By Steelman and Mathewson.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health care providers.

SB 1036-By Steelman.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physician contractual relationships.

SB 1037-By Steelman.

An Act to repeal section 67.1846, RSMo, and to enact in lieu thereof one new section relating to right-of-way.

SB 1038-By Yeckel.

An Act to repeal sections 33.103, 166.435, 362.105, 408.032, 408.140, 408.190, 408.232, 432.045, 443.130, and 570.223, RSMo, and to enact in lieu thereof twenty-eight new sections relating to banking, with penalty provisions.

SB 1039-By Yeckel.

An Act to amend chapter 334, RSMo, by adding thereto twelve new sections relating to the regulation and licensing of the practice of naturopathic medicine, with penalty provisions.

SB 1040-By Griesheimer.

An Act to repeal sections 260.273, 260.475, and 260.479, RSMo, and to enact in lieu thereof three new sections relating to hazardous waste management, with an emergency clause for a certain section.

SB 1041-By Griesheimer.

An Act to repeal section 590.500, RSMo, and to enact in lieu thereof one new section relating to certain law enforcement officers' right of appeal from disciplinary actions.

SB 1042-By Griesheimer.

An Act to repeal section 301.562, RSMo, and to enact in lieu thereof one new section relating to the licensure of motor vehicle dealers and manufacturers.

SB 1043-By Gross.

An Act to repeal sections 21.795, 301.144, and 301.2999, RSMo, and to enact in lieu thereof six new sections relating to specialized license plates.

SB 1044-By Shields.

An Act to repeal sections 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof five new sections relating to the state library.

SB 1045-By Kinder, Bland, Coleman, Days, Gibbons, Klindt, Clemens, Yeckel, Bartle, Kennedy, Jacob, Bray and Vogel.

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to the burning of crosses, with penalty provisions.

SB 1046-By Gibbons.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to friends of kids with cancer special license plates.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of George Hartsfield for the Missouri Gaming Commission, submitted to you on January 7, 2004. Line 1 should be amended to read:

George Hartsfield, Democrat, 1909 Sarah Lane, Jefferson City, Cole

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above addendum to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Kinder referred **SCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SJR 24--Agriculture, Conservation, Parks and Natural Resources.

SJR 25--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 26--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 27--Ways and Means.

SJR 28--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 29--Aging, Families, Mental and Public Health.

SJR 30--Ways and Means.

SJR 31--Transportation.

SJR 33--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 34--Transportation.

SJR 35--Judiciary and Civil and Criminal Jurisprudence.

SJR 36--Agriculture, Conservation, Parks and Natural Resources.

SJR 37--Transportation.

SJR 38--Transportation.

SJR 39--Education.

SJR 40--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 801--Commerce and the Environment.

SB 803--Aging, Families, Mental and Public Health.

SB 804--Aging, Families, Mental and Public Health.

SB 805--Small Business, Insurance and Industrial Relations.

SB 806--Ways and Means.

SB 807--Judiciary and Civil and Criminal Jurisprudence.

SB 808--Agriculture, Conservation, Parks and Natural Resources.

SB 809--Small Business, Insurance and Industrial Relations.

SB 810--Agriculture, Conservation, Parks and Natural Resources.

SB 811--Pensions and General Laws.

SB 812--Ways and Means.

SB 813--Education.

SB 814--Education.

SB 815--Aging, Families, Mental and Public Health.

SB 816--Education.

SB 817--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 818--Judiciary and Civil and Criminal Jurisprudence.

SB 819--Judiciary and Civil and Criminal Jurisprudence.

SB 820--Judiciary and Civil and Criminal Jurisprudence.

SB 821--Ways and Means.

SB 822--Ways and Means.

SB 823--Judiciary and Civil and Criminal Jurisprudence.

SB 825--Transportation.

SB 827--Judiciary and Civil and Criminal Jurisprudence.

SB 828--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 829--Small Business, Insurance and Industrial Relations.

SB 830--Ways and Means.

SB 831--Ways and Means.

SB 832--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 833--Aging, Families, Mental and Public Health.

SB 834--Small Business, Insurance and Industrial Relations.

SB 835--Judiciary and Civil and Criminal Jurisprudence.

SB 836--Ways and Means.

SB 837--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 838--Judiciary and Civil and Criminal Jurisprudence.

SB 839--Ways and Means.

SB 841--Economic Development, Tourism and Local Government.

SB 842--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 843--Small Business, Insurance and Industrial Relations.

SB 845--Transportation.

SB 846--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 847--Ways and Means.

SB 848--Education.

SB 849--Education.

SB 850--Economic Development, Tourism and Local Government.

SB 851--Commerce and the Environment.

SB 852--Education.

SB 853--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 854--Aging, Families, Mental and Public Health.

SB 855--Transportation.

SB 856--Small Business, Insurance and Industrial Relations.

SB 858--Education.

SB 859--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 860--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 861--Transportation.

SB 862--Transportation.

SB 863--Ways and Means.

SB 864--Ways and Means.

SB 865--Education.

SB 866--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 867--Commerce and the Environment.

SB 868--Ways and Means.

SB 871--Judiciary and Civil and Criminal Jurisprudence.

SB 872--Education.

SB 875--Economic Development, Tourism and Local Government.

SB 876--Commerce and the Environment.

SB 878--Commerce and the Environment.

SB 879--Ways and Means.

SB 880--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 881--Small Business, Insurance and Industrial Relations.

SB 882--Agriculture, Conservation, Parks and Natural Resources.

SB 885--Commerce and the Environment.

SB 886--Agriculture, Conservation, Parks and Natural Resources.

SB 887--Ways and Means.

SB 888--Ways and Means.

SB 891--Transportation.

SB 895--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 896--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 897--Judiciary and Civil and Criminal Jurisprudence.

SB 899--Transportation.

SB 900--Commerce and the Environment.

SB 1003--Aging, Families, Mental and Public Health.

REPORTS OF COMMITTEES

Pursuant to Section 536.021, RSMo, Senator Gross submitted a copy of the Joint Committee on Administrative Rules' committee report disapproving the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010. A copy of the committee's report is on file in the office of the Secretary of Senate.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Timothy A. Wingert, O.D., F.A.A.O., St. Louis.

Senator Kinder introduced to the Senate, Kathryn Red Corn, Pawhuska, Oklahoma.

Senator Griesheimer introduced to the Senate, Mark Wessels and Rick Hopp, Washington; and Anita Fields, Stillwater, Oklahoma.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTH DAY-TUESDAY, JANUARY 13, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS SB 702-Russell

SB 708-Mathewson

SB 711-Goode

SB 716-Childers

SB 729-Steelman

SB 746-Dougherty, et al

SB 751-Coleman

SB 753-Coleman

SB 774-Wheeler

SB 787-Childers

SB 788-Childers

SB 790-Yeckel

SB 824-Griesheimer

SB 826-Bartle

SB 840-Goode

SB 844-Yeckel

SB 857-Klindt

SB 869-Shields

SB 870-Bartle

SB 873-Bray

SB 874-Caskey

SB 877-Goode and Days

SB 883-Klindt

SB 884-Klindt

SB 889-Goode

SB 890-Bland

SB 892-Bland

SB 893-Goode

SB 894-Goode

SB 898-Bland

SB 901-Goode

SB 902-Bland

SB 903-Bland

SB 904-Gross and Nodler

SB 905-Foster

SB 906-Foster

SB 907-Klindt

SB 908-Cauthorn

SB 909-Bartle

SB 910-Bland

SB 911-Bland

SB 912-Dougherty and Days

SB 913-Dougherty and Bray

SB 914-Dougherty and Russell

SB 915-Dougherty, et al

SB 916-Dougherty

SB 917-Dougherty and Bray

SB 918-Dougherty, et al

SB 919-Gibbons and Stoll

SB 920-Caskey

SB 921-Caskey

SB 922-Coleman

SB 923-Goode

SB 924-Bland

SB 925-Bland

SB 926-Loudon

SB 927-Loudon

SB 928-Loudon

SB 929-Wheeler

SB 930-Loudon

SB 931-Loudon

SB 932-Loudon

SB 933-Yeckel, et al

SB 934-Bland

SB 935-Gibbons

SB 937-Gross

SB 938-Gross

SB 939-Coleman

SB 940-Coleman

SB 941-Coleman

SB 942-Nodler

SB 943-Goode and Gross

SB 944-Goode

SB 945-Gibbons

SB 946-Bray, et al

SB 947-Russell

SB 948-Steelman

SB 949-Steelman

SB 950-Griesheimer

SB 951-Griesheimer

SB 952-Wheeler

SB 953-Caskey

SB 954-Foster

SB 955-Scott

SB 956-Scott

SB 957-Scott

SB 958-Scott

SB 959-Childers

SB 960-Gibbons

SB 961-Champion

SB 962-Clemens

SB 963-Shields

SB 964-Shields

SB 965-Shields

SB 966-Shields

SB 967-Shields

SB 968-Shields

SB 969-Shields

SB 970-Childers

SB 971-Stoll

SB 972-Stoll

SB 973-Stoll

SB 974-Dougherty

SB 975-Dougherty

SB 976-Stoll

SB 977-Stoll

SB 978-Stoll

SB 979-Stoll

SB 980-Bartle

SB 981-Vogel

SB 982-Coleman

SB 983-Quick

SB 984-Foster

SB 985-Foster

SB 986-Cauthorn

SB 987-Quick

SB 988-Steelman

SB 989-Gross, et al

SB 990-Loudon

SB 991-Dougherty

SB 992-Cauthorn

SB 993-Cauthorn

SB 994-Coleman

SB 995-Coleman

SB 996-Shields

SB 997-Shields

SB 998-Shields

SB 999-Griesheimer

SB 1000-Bartle

SB 1001-Wheeler

SB 1002-Bray

SB 1004-Shields

SB 1005-Shields and Stoll

SB 1006-Goode, et al

SB 1007-Goode and Mathewson

SB 1008-Goode

SB 1009-Griesheimer

SB 1010-Dougherty, et al

SB 1011-Dougherty

SB 1012-Caskey

SB 1013-Stoll

SB 1014-Yeckel

SB 1015-Kennedy

SB 1016-Champion, et al

SB 1017-Champion

SB 1018-Champion

SB 1019-Steelman

SB 1020-Steelman and Kinder

SB 1021-Steelman

SB 1022-Gross

SB 1023-Griesheimer

SB 1024-Stoll

SB 1025-Griesheimer and Steelman

SB 1026-Mathewson

SB 1027-Cauthorn, et al

SB 1028-Cauthorn

SB 1029-Bray, et al

SB 1030-Bray, et al

SB 1031-Bray, et al

SB 1032-Bray

SB 1033-Clemens, et al

SB 1034-Childers

SB 1035-Steelman and Mathewson

SB 1036-Steelman

SB 1037-Steelman

SB 1038-Yeckel

SB 1039-Yeckel

SB 1040-Griesheimer

SB 1041-Griesheimer

SB 1042-Griesheimer

SB 1043-Gross

SB 1044-Shields

SB 1045-Kinder, et al

SB 1046-Gibbons

SJR 32-Cauthorn

RESOLUTIONS

To be Referred

SCR 26-Childers and Russell

Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 13, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"As we have therefore opportunity, let us do good unto all men." (Galatians 6:10)

Gracious God, show us where to best express our concerns and kindness that we might be instruments of service and help to those You have called us to serve. Guide us this day so that we might make the best use of our time and energies and do what is necessary in this day You have given us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
Absent with leave--Senator Dolan--1			

Senator Gibbons announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1047-By Kennedy.

An Act to repeal sections 210.481, 210.484, and 210.486, RSMo, and to enact in lieu thereof two new sections relating to facilities providing twenty-four-hour care for children in a group setting.

SB 1048-By Nodler, Childers, Loudon, Clemens, Mathewson, Yeckel, Griesheimer, Scott, Champion, Shields and

Kinder.

An Act to repeal sections 137.101 and 301.025, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle registration process for certain organizations.

SB 1049-By Bray.

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to designation of next-of-kin for deceased persons.

SB 1050-By Bray.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to railroad company employees, with penalty provisions.

SB 1051-By Steelman.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 1052-By Jacob.

An Act to repeal section 172.360, RSMo, and to enact in lieu thereof one new section relating to admission to the state university of Missouri system.

SB 1053-By Shields.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to education.

SB 1054-By Bartle.

An Act to repeal section 86.441, RSMo, and to enact in lieu thereof one new section relating to the police retirement system of Kansas City.

SB 1055-By Bartle.

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof one new section relating to civilian employees' retirement system of the police department of Kansas City.

SJR 41-By Kinder, Bartle, Loudon, Childers, Yeckel, Scott, Champion and Nodler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 24 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the governor's budget and recommendations as to revenue.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 26--Rules, Joint Rules, Resolutions and Ethics.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following escort committee pursuant to **HCR 1**: Senators Bartle, Bland, Gibbons, Goode, Jacob, Kennedy, Kinder, Loudon, Wheeler and Yeckel.

REPORTS OF COMMITTEES

Pursuant to Section 21.810, RSMo, Senator Gibbons submitted a copy of the Joint Committee on Tax Policy's interim report relating to the issue of policy of tax credit issuance and accountability. A copy of the committee's report is on file in the office of the Secretary of Senate.

COMMUNICATIONS

Senator Gibbons submitted the following:

January 13, 2004

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

RE: Life Science Caucus

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 92nd General Assembly's Life Science Caucus at the January 23, 2003 meeting.

Please add the following members to the caucus:

- Senator Charles Wheeler
- Representative Sherman Parker
- Representative Rob Schaaf
- Representative Vicki Schneider
- Representative Tom Dempsey
- Representative Danielle Moore
- Representative Bryan Pratt
- Representative Brian Yates
- Representative Ryan McKenna
- Representative Wes Wagner
- Representative Kevin Engler
- Representative Shannon Cooper
- Representative Robert Mayer

Yours truly,

/s/ Michael R. Gibbons

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. Bill Reynolds and his daughter, Emma, Nixa; and Emma was made an honorary page.

Senator Foster introduced to the Senate, Ethal Johnson and members of AARP, Poplar Bluff.

Senator Kennedy introduced to the Senate, Beatrice Parks, St. Louis.

On behalf of Senator Shields, the President introduced to the Senate, members of the Kansas City Chamber of Commerce.

Senator Yeckel introduced to the Senate, Grace Smith and Charles "Chuck" Jackson, St. Louis County.

Senator Cauthorn introduced to the Senate, Marge and Sonny Capp, Hannibal.

Senator Gross introduced to the Senate, Steve Brennell, St. Charles; and Peg Capo, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY-WEDNESDAY, JANUARY 14, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 702-Russell

SB 708-Mathewson

SB 711-Goode

SB 716-Childers

SB 729-Steelman

SB 746-Dougherty, et al

SB 751-Coleman

SB 753-Coleman

SB 774-Wheeler

SB 787-Childers

SB 788-Childers

SB 790-Yeckel

SB 824-Griesheimer

SB 826-Bartle

SB 840-Goode

SB 844-Yeckel

SB 857-Klindt

SB 869-Shields

SB 870-Bartle

SB 873-Bray

SB 874-Caskey

SB 877-Goode and Days

SB 883-Klindt

SB 884-Klindt

SB 889-Goode

SB 890-Bland

SB 892-Bland

SB 893-Goode

SB 894-Goode

SB 898-Bland

SB 901-Goode

SB 902-Bland

SB 903-Bland

SB 904-Gross and Nodler

SB 905-Foster

SB 906-Foster

SB 907-Klindt

SB 908-Cauthorn

SB 909-Bartle

SB 910-Bland

SB 911-Bland

SB 912-Dougherty and Days

SB 913-Dougherty and Bray

SB 914-Dougherty and Russell

SB 915-Dougherty, et al

SB 916-Dougherty

SB 917-Dougherty and Bray

SB 918-Dougherty, et al

SB 919-Gibbons and Stoll

SB 920-Caskey

SB 921-Caskey

SB 922-Coleman

SB 923-Goode

SB 924-Bland

SB 925-Bland

SB 926-Loudon

SB 927-Loudon

SB 928-Loudon

SB 929-Wheeler

SB 930-Loudon

SB 931-Loudon

SB 932-Loudon

SB 933-Yeckel, et al

SB 934-Bland

SB 935-Gibbons

SB 937-Gross

SB 938-Gross

SB 939-Coleman

SB 940-Coleman

SB 941-Coleman

SB 942-Nodler

SB 943-Goode and Gross

SB 944-Goode

SB 945-Gibbons

SB 946-Bray, et al

SB 947-Russell

SB 948-Steelman

SB 949-Steelman

SB 950-Griesheimer

SB 951-Griesheimer

SB 952-Wheeler

SB 953-Caskey

SB 954-Foster

SB 955-Scott

SB 956-Scott

SB 957-Scott

SB 958-Scott

SB 959-Childers

SB 960-Gibbons

SB 961-Champion

SB 962-Clemens

SB 963-Shields

SB 964-Shields

SB 965-Shields

SB 966-Shields

SB 967-Shields

SB 968-Shields

SB 969-Shields

SB 970-Childers

SB 971-Stoll

SB 972-Stoll

SB 973-Stoll

SB 974-Dougherty

SB 975-Dougherty

SB 976-Stoll

SB 977-Stoll

SB 978-Stoll

SB 979-Stoll

SB 980-Bartle

SB 981-Vogel

SB 982-Coleman

SB 983-Quick

SB 984-Foster

SB 985-Foster

SB 986-Cauthorn

SB 987-Quick

SB 988-Steelman

SB 989-Gross, et al

SB 990-Loudon

SB 991-Dougherty

SB 992-Cauthorn

SB 993-Cauthorn

SB 994-Coleman

SB 995-Coleman

SB 996-Shields

SB 997-Shields

SB 998-Shields

SB 999-Griesheimer

SB 1000-Bartle

SB 1001-Wheeler

SB 1002-Bray

SB 1004-Shields

SB 1005-Shields and Stoll

SB 1006-Goode, et al

SB 1007-Goode and Mathewson

SB 1008-Goode

SB 1009-Griesheimer

SB 1010-Dougherty, et al

SB 1011-Dougherty

SB 1012-Caskey

SB 1013-Stoll

SB 1014-Yeckel

SB 1015-Kennedy

SB 1016-Champion, et al

SB 1017-Champion

SB 1018-Champion

SB 1019-Steelman

SB 1020-Steelmann and Kinder
SB 1021-Steelmann
SB 1022-Gross
SB 1023-Griesheimer
SB 1024-Stoll
SB 1025-Griesheimer and Steelmann
SB 1026-Mathewson
SB 1027-Cauthorn, et al
SB 1028-Cauthorn
SB 1029-Bray, et al
SB 1030-Bray, et al
SB 1031-Bray, et al
SB 1032-Bray
SB 1033-Clemens, et al
SB 1034-Childers
SB 1035-Steelmann and Mathewson
SB 1036-Steelmann
SB 1037-Steelmann
SB 1038-Yeckel
SB 1039-Yeckel
SB 1040-Griesheimer
SB 1041-Griesheimer
SB 1042-Griesheimer
SB 1043-Gross
SB 1044-Shields
SB 1045-Kinder, et al
SB 1046-Gibbons
SB 1047-Kennedy

SB 1048-Nodler, et al

SB 1049-Bray

SB 1050-Bray

SB 1051-Steelman

SB 1052-Jacob

SB 1053-Shields

SB 1054-Bartle

SB 1055-Bartle

SJR 32-Cauthorn

SJR 41-Kinder, et al

Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 14, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Steer clear of foolish discussions which lead people into the sin of anger." (2Timothy 2:16)

Gracious Father, grant unto us the wisdom to know that if we must speak, that our words must convey the grace that touches others to hear us and the power You give us to convince others of the rightness of our cause. And grant us conversations that will not lead to anger or bitterness less we offend those not as strong as we. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Dolan--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1107, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald "Don" Ghere, Butler, which was adopted.

Senator Bland offered Senate Resolution No. 1108, regarding Matthew Lee "Matt" McDonald, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1109, regarding Daniel Alan "Danny" White, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1110, regarding Bret David Noble, Kansas City, which was adopted.

Senator Gross offered Senate Resolution No. 1111, regarding Janet S. Storm, RDH, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1112, regarding Bernard Ray Storm, DDS, St. Charles, which was adopted.

Senator Scott offered Senate Resolution No. 1113, regarding Jesse Morris, Warsaw, which was adopted.

Senator Scott offered Senate Resolution No. 1114, regarding Dennis Meisel, Warsaw, which was adopted.

Senator Mathewson offered Senate Resolution No. 1115, regarding Miles Steele, Sedalia, which was adopted.

Senator Klindt offered Senate Resolution No. 1116, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alan Dale Hilsabeck, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 1117, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bob Gregory, Maryville, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Townley, Miller, Reinhart, Crawford, Holand, Purgason, Witte, Bland, Jolly and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the Judiciary address. Representatives: King, Black, Luetkemeyer, Myers, Phillips, Rector, Willoughby, Graham, Seigfreid and Shoemyer.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 711--Ways and Means.

SB 874--Transportation.

SB 908--Small Business, Insurance and Industrial Relations.

SB 990--Small Business, Insurance and Industrial Relations.

SJR 32--Education.

SJR 41--Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder, pursuant to **HCR 1**, replaced himself with Senator Gross.

Senator Gibbons moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Ronnie L. White, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent--Senator Quick--1			
Absent with leave--Senators			
Dolan	Kinder--2		

On roll call the following Representatives were present:

Present--Representatives			
Abel	Angst	Baker	Barnitz
Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough
Boykins	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard
Hunter	Icet	Jetton	Johnson 47
Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke
LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 14	Spreng	St. Onge

Stefanick	Stevenson	Sutherland	Swinger
Taylor	Thompson	Threlkeld	Townley
Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel

Madam Speaker--157

Absent and Absent with Leave--Representatives

Avery	Carnahan	Jackson	Johnson 61
Smith 118--5			

Vacancies--1

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Ronnie L. White, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2004 STATE OF THE JUDICIARY ADDRESS

CHIEF JUSTICE RONNIE WHITE

President Maxwell, Speaker Hanaway, distinguished members of the Senate and House of Representatives, honorable statewide elected officials, esteemed colleagues of the Court, and honored guests -

You know, it is indeed a pleasure to be here with you this morning. As I walked through the doors back there, I thought of how amazing this is, after having served in this body.

I want to take a minute and thank Speaker Hanaway for attending the kick-off celebration for Martin Luther King, Jr., in St. Louis on Saturday night at Harris-Stowe State College. The people there were very, very proud and pleased to see her and the bipartisan delegation of house members who were also with her.

I'd also like to take a moment and introduce two people who have been with me since the beginning - my wife, Sylvia ... and our son, Ronnie II.

I come before you today as Chief Justice to perform the traditional duty of sharing with you the state of our judiciary. I remember the first time I came into this chamber almost 15 years ago as a newly elected representative. It is reassuring as I stand before you today to see some familiar faces from that very first day.

Senator Maida Coleman from St. Louis was one of the people who helped me to get here. When I was running for elective office in 1989 and going door to door in my district, I happened to stop by Senator Coleman's house. You could not imagine what I got when I knocked on the door. She began to tell me all the things I needed to do when I got elected, so I thought about it and I said, "Well, why don't you come out of the house and help me do it?" And look at where she is today! And I want to say to you, Senator Coleman, I am very proud of you and pleased to be your friend.

And after Senator Coleman helped me to get here, one of the first people I met was Senator Mary Bland from Kansas City. In fact, during my time in the House, I was her seatmate, and sometimes after some bruising committee battles and deep debates, I would come back to my chair and sit down, and Senator Bland would say, "Representative White, I'm praying for you." Well as I stand before you today, I want to say to you, Senator, your prayers have been answered. And she would also follow up and say, "You're going to be all right." Well, after 15 years, a lot of time has passed and things have happened, I want to say to you, Senator Bland, I am all right.

While tradition and duty require me to speak to you today, a much more immediate duty compels continued communication with each other throughout the rest of this year. As someone who once served in this very room, I empathize with you as you face yet another historically challenging year. It is no secret that painstaking choices will have to be made - funding our public schools, helping children in our foster care system, dealing with the state's budget difficulties. Our charge, then, is to work together wherever we can so that those hard choices are made in the most informed and cooperative environment possible.

Last session, the judiciary offered leadership and solutions when it was required of us, and we offered information and cooperation when leadership was required of you. This cooperation between our branches of government made possible the important work of the Commission on

Children's Justice. This same cooperation produced a judiciary budget that sustained difficult cuts but still preserved the judicial branch's ability to fulfill its essential role for the citizens of this state.

In addition, we collaborated with you to find places where our effectiveness could be improved. Even before the passage of House Bill 600, the judicial branch was generating \$370 million in positive economic impact each year. I'm not talking about lawsuits here - I'm talking about the court costs, fines, fees and restitution that the courts collect for the state and its citizens. Through the passage of HB 600, we advocated and you adopted changes that will allow us to collect outstanding court costs and fines more efficiently at no cost to taxpayers other than that necessary to operate the judicial branch of government. While this money alone will not alleviate the state's financial situation, it provides a small measure of relief to some, particularly school districts - and it sends an important message about justice to those who believe they can utilize the service of justice and violate our laws without paying.

But this is just one example of what we can achieve when we work together. We must continue in this spirit of mutual cooperation for this year and for years to come - no matter who may come and go from the office of Judge, Senator, or Representative.

In that spirit of cooperation, then, let me relate to you where the judicial branch stands now, and where, with your help, we hope to be in years to come. As I stated at our annual Bar meeting in October, I have a firm commitment to doing whatever I can to promote a more professional, diverse and technologically integrated future for the justice community in this state. Let me also reaffirm our commitment to saving money where we can and working with you to make our judiciary a more efficient one.

At the outset, I want to thank all those people who make our efficiency possible - our employees. We all know that it is the employees across this state who provide direct services to the citizens every day and who are the face of Missouri state government. And with the budget constraints over the past several years, many of these employees are bringing less money home to their families now than they were four or five years ago. I request, therefore, that you give these people every due consideration even in the face of the current fiscal problems. For if we cannot keep our best and brightest state employees, we all suffer.

Now, as to the issue of professionalism, let me say that it is an honor to serve as Chief Justice with such distinguished colleagues. For many years and through many different judges, we at the Court have attempted to create an environment that is collegial, not combative - and always dedicated to preserving the integrity of the law. While our opinions differ on occasion - although not nearly as frequently as one might think - we always seek to ensure that the time-honored processes by which we make our decisions remain intact.

At least to some extent, I believe we owe this high quality of my colleagues on the Supreme Court - regardless of the political affiliation of the governor who appointed them - to a nonpartisan court plan that for more than 60 years has made our state an example to the nation.

Missouri itself has changed drastically since its voters first adopted the nonpartisan plan in 1940. Counties that were once considered rural are now so large in population that they rival even our largest cities, and the needs of their courts have become more complex. In addition, as election costs inevitably rise, unforeseen pressures are placed on members of the judiciary as well as on those who seek to replace them. In even the best of scenarios, the appearance of the intrusion of politics - and money - into the judicial process becomes difficult to avoid.

For these reasons, I announced my intention last July to discuss the expansion of the nonpartisan court plan into Greene, Jefferson and St. Charles Counties, the three next largest counties that do not already operate under the plan. In my discussions with local bar associations, I have made it clear that, whatever we do, we must do in full cooperation with the circuits - and more importantly the people - because it is pointless to proceed if the citizens in those areas do not want change. However, we should at least be open to discussing and determining whether current systems continue to meet our constantly evolving needs and to do so in an atmosphere of civility and respect. Our talks so far have been well received, and I believe that many who originally had misgivings about the plan have begun to think positively about its potential value. In fact, the Springfield Metropolitan Bar Association voted 2-1 to support the nonpartisan plan in Greene County, and discussions are underway in St. Charles County. I hope to speak with the Jefferson County Bar Association in the near future.

Ultimately, these decisions must be made locally. And let me be clear - we are not asking the general assembly in any way to expand the nonpartisan plan. Even I seek only to act as a conduit for discussion. I realize that many of you in this room may have misgivings about my proposal, and reasonable minds can certainly differ on this issue. I therefore welcome your input and offer to conduct a legislative forum so you can discuss your positions - positive or negative - and your important voices can be heard on this issue.

In addition to serving as a facilitator for public discussions about the nonpartisan court plan, the judicial branch must also review its own internal court policies to seek out ways in which we can improve professionalism. Our judicial committees and bar committees remain dedicated to this very cause. As one excellent example of such a review, last fall the Supreme Court Family Court Committee completed the *Missouri Resource Guide for Best Practices in Child Abuse and Neglect Cases*. Nearly a thousand professionals in the juvenile justice field - including every single member of the judicial branch who is assigned to work on juvenile cases - attended cross-training in these best practices.

I hope that, through efforts such as these, you will continue to see the judiciary as a willing partner for positive change. Our doors remain open - your ideas are welcome, and we hope that you work with us as we strive to create the judicial system of the future.

There are many ways in which our present system demonstrates our promising future. Our internationally award-winning efforts to use advanced technologies in the courts have done much to improve judicial services, and technology holds the promise of even greater returns if we can capitalize on this investment.

I realize that many of my predecessors have discussed this program with you, but for me it retains personal importance. In 1993, when I was still in the state legislature, I sponsored House Bill 681 - the first bill seeking to automate our state courts. Although not many seemed to share this vision at the time, I realized then that the future of Missouri courts would lie in their ability to embrace technology in their efforts to provide service, justice and access to the citizens of this state.

Well, now the "future" is here. We all realize that advanced technology is an absolute business necessity, not a hypothetical dream or automation project. The state has an automated payroll system and automated driving records, law enforcement has the automated Missouri Uniform Law Enforcement System, and you here in the legislature have automated drafting, filing and tracking of bills and amendments. Similarly, for our judicial branch to remain able to provide exceptional service to the public effectively, we must continue to scrape our way into the 21st century by finding a way to afford those technological tools essential to an effective judicial system.

I thank each of you for recognizing this need last session through the passage of Senate Bill 448. With the leadership of Senator Matt Bartle and Representative Richard Byrd, we were able to extend the court automation fee until 2009, preserving a valuable business tool for the operation of court technology. I want to publicly extend my thanks to them and to all of you who continue to support this vitally important effort.

Although there is still much to be done, there is much that is already working well. The state's online case information system, Case.net, and case management program, Justice Information System - commonly known as JIS - are improving the business of our courts in many ways that may not be obvious to the casual observer but that would be noticeable immediately if they were no longer present.

For example, the general assembly relies on the judicial branch to collect all the fees that fund many worthy causes across the state - including the traffic fines that support our local schools and the crime victims' compensation fund. For courts using JIS, it took only a flip of the switch to begin collecting, tracking and distributing the new costs quickly and efficiently. It is not as easy for the 40 other counties that do not yet have JIS due largely to budget constraints. And for some of those courts, can you believe that their clerk staff had to manage the six new fees created last session manually by adding six new envelopes to the pegboard?

Just imagine how your day-to-day business in this building would be different if you still had to rely on typewriters and carbon copies to circulate amendments to your legislative packages. I'm sure your staff would be horrified by the very thought! Consider this: we still have areas in this state where the courts account for hundreds of thousands - if not millions - of dollars using manual accounting systems. We cannot continue to move some 800,000 new cases and account for some \$370 million annually when some courts still are using systems that were designed in the 1950s.

But technology is not just about making us more efficient at our jobs. With that efficiency also comes significant cost savings and the ability to generate revenue. For example, a study we recently conducted in three counties identified a total of \$2.3 million in costs and fines that litigants have failed to pay - money we now can collect under HB 600 - at least in those counties that have JIS. If that is what we can do in just three counties, imagine the millions of dollars the judicial branch may be able to collect statewide. I must emphasize that this effort, along with others, seeks to go after those who fail to pay their obligations. While to some extent it is about money, more importantly it is about the enforcement of court orders and accountability to the laws you pass.

Judicial technology is also about facilitating the provision of immediate services to children and others at risk, ensuring an efficient investment of time and resources into each case, eliminating duplicate paperwork ... and saving the state even more money. I hope you will continue to support this important investment of judicial technology.

Of course, the system is capable of providing many more benefits, but fiscal prudence mandates that we be creative in discovering new ways to bring more counties into the information age. For example, although no new state dollars were available, the Jackson County Circuit Court determined that JIS was vital enough to its business needs that it was able to implement the system without the state spending any significant dollars toward that effort.

We will, of course, continue to explore any option that allows us to move forward with technology, which is vital not only to the judicial branch but also to the interests of accountability to the laws you pass, to the interests of public safety, and to the interests of those who use our courts every day. This is why it is so important that, even in these challenging times, we all remain committed to doing what works and to changing what needs to be fixed. I look forward to working with you to ensure a bright technological future for the judicial system in Missouri.

While we look to the future in court technology, we also must look to the future of the people who practice law in this state. To do that, we must make every effort to improve racial and gender diversity. Our legal community should strive to be as diverse as the people who live in this great state, because equal access to justice can only be realized fully when there is equal opportunity for **all** to serve in our system of justice. When people come to our courthouses, they need to see that other people just like them have every opportunity to thrive in the Judiciary as a workplace. They need to feel vested in, rather than controlled by, our system of justice.

I think at times we take much for granted in this great country - particularly in relation to our government and its institutions. It has become all too commonplace today to engage in rhetoric that does not challenge us to be better. Unlike virtually any other country in the world, this is our government, yours and mine. The American justice system remains a beacon to the world in spite of its failings, perceived and real. It is a beacon because we, the citizens of this great country, have a vested interest in that system as our system of justice. For people to obtain justice, people must see that equal access to justice is more than just a vision ... they must see it as a reality.

So how does the judicial branch achieve this goal in concrete ways that can be implemented feasibly? First, through the Missouri plan, we must diversify our selection panels so that both selectors and those selected represent a wide cross-section of the citizenry. Without diversifying the ranks of those who aspire to become trial judges and appellate judges, we will struggle to develop the array of applicants we seek.

I believe it is clear that diversity must begin at the very earliest levels, from pre-law and paralegal programs to law school to entry-level positions throughout the legal community ... and perhaps even earlier than that ... so that in the future, diversity does not require effort but rather takes place as a matter of course in a profession where all facets of society are represented.

Already, progress has been made on this front, as my own experience illustrates. I can remember attending my first appellate section meeting at the 1994 judicial conference. I was the only African-American in attendance. That is because, of the 39 appellate judges in the state at that time, I was the only African-American judge among them, and there were only three women on the appellate court then. But time has passed, and the diversity of the appellate bench is getting better. I am now on the Supreme Court, and we have four African-American judges on the Court of Appeals, plus a total of nine women on the appellate bench, including my colleague at the Supreme Court, Laura Stith. We also have the first Jewish judge to serve on the Supreme Court, my friend Rick Teitelman.

However, this progress does not mean that the judicial branch is where it needs to be. So I invite you to help us in any way you can. Encourage the women and minorities in your constituencies to consider the law as a career whenever you can. Foster in them an interest in the legal system of this great state. Help us end this discussion by making Missouri a nationwide example of a diverse, innovative legal community - a legacy of which we can all be proud.

I truly believe the future of our entire judiciary can be bright for all - but only if we work with you to create it in the present. We remain willing to do our part, to lead when needed, and to aid you in implementing change when you seek it from us. We welcome the discussions brought forth by the Interim Committee on Judicial Resources, and we look forward to working with all parties in the interest of creating a more efficient, modernized judiciary in this session and in sessions to come. We continue to look for savings where we can, and we ask, out of respect for our different but co-equal responsibilities under the constitution, that we work together to find these savings. It is the responsibility of both the judiciary and the legislature to preserve essential judicial functions and maintain the effectiveness of the third branch of government.

In conclusion, we remain committed to providing greater service, access and justice throughout the state. In partnership with each of you, I am certain that our commitment will be fulfilled. Thank you for listening.

On motion of Senator Gibbons, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Gross.

CONCURRENT RESOLUTIONS

Senators Kennedy, Dougherty and Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the U.S. Postal Service was established as a public service by our founding fathers in 1775 to bind our nation together by providing a means for commerce and communication; and

WHEREAS, the framers of the Constitution charged the federal government with providing postal services to all communities, rich and poor, urban and rural, with uniform postage rates; and

WHEREAS, for nearly two hundred and thirty years the availability of dependable, affordable mail service has proved vitally important to many American businesses and citizens; and

WHEREAS, the Postal Service remains an important part of our nation's economic infrastructure, through which nearly one trillion dollars of economic activity is conducted each year, and through which nine million people are employed; and

WHEREAS, Americans currently enjoy the most extensive postal service at the lowest postage rates of any major industrialized nation in the world; and

WHEREAS, the Postal Service operates without taxpayer subsidies, and postage rate increases have remained at or below the inflation rate; and

WHEREAS, in pursuit of a solution to the Postal Service's recent challenges, which were brought in part by declining mail volume amid a recession and terrorist attacks, the president has charged a commission to recommend far-reaching changes to postal operations and services; and

WHEREAS, despite the Postal Service's recent economic difficulties, it continues to provide special below-cost postage discounts to large business and advertising mailers, driving the Postal Service billions of dollars into debt, and ultimately causing small businesses and ordinary citizens to subsidize those discounts through higher postage rates; and

WHEREAS, the commission is considering a wide range of "solutions" such as cutting services in many communities by closing post offices or reducing their hours of operation and the number of days mail is delivered each week; introducing a complicated postage rate structure that would charge postal patrons based on where they send their letters and packages, or even turning over postal operations to private, for-profit enterprises; and

WHEREAS, millions of older, economically disadvantaged and disabled Americans do not have easy access to the Internet or to electronic banking and bill paying, and therefore are heavily dependent on the Postal Service for communicating and conducting business transactions; and

WHEREAS, the continuation of six-day mail delivery is important for many businesses and community organizations, as well as many citizens who depend on Saturday delivery for receiving checks, prescription drugs, gifts, and greeting cards; and

WHEREAS, replacing the Postal Service's public service obligation with a profit seeking mandate would undermine the Postal Service's historic "universal service" obligation, weaken its national infrastructure, and divide our nation politically and economically:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to reject any recommendations from the President's Commission to base postal services on profit seeking motives or to cut services to any American community; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and Missouri's Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1056-By Bartle.

An Act to repeal section 99.845 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof one new section relating to tax increment financing.

SB 1057-By Bartle.

An Act to repeal sections 160.534, 163.201, and 164.303, RSMo, and to enact in lieu thereof three new sections relating to gambling moneys for schools.

SB 1058-By Bartle.

An Act to repeal section 313.820, RSMo, and to enact in lieu thereof one new section relating to gaming boat admission fees, with a referendum clause.

SB 1059-By Bartle and Champion.

An Act to repeal section 143.431, RSMo, and to enact in lieu thereof two new sections relating to Missouri taxable income of corporations.

SB 1060-By Bartle.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court filing fees.

SB 1061-By Callahan.

An Act to repeal section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845, as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof one new section relating to tax increment financing, with an emergency clause.

SB 1062-By Griesheimer.

An Act to repeal section 311.485, RSMo, and to enact in lieu thereof one new section relating to liquor licenses for caterers.

SB 1063-By Scott.

An Act to amend chapter 238, RSMo, by adding thereto one new section relating to transportation development districts.

SB 1064-By Scott and Clemens.

An Act to repeal section 488.2205, RSMo, and to enact in lieu thereof one new section relating to court costs.

SB 1065-By Steelman and Gross.

An Act to repeal section 260.475, RSMo, and to enact in lieu thereof one new section relating to hazardous waste fees.

SB 1066-By Steelman.

An Act to repeal sections 537.675, 537.678, and 537.684, RSMo, and to enact in lieu thereof three new sections relating to the tort victims' compensation fund.

SB 1067-By Bland.

An Act to amend chapter 354, RSMo, by adding thereto twenty new sections relating to health care benefits, with a contingent effective date for certain sections and a referendum clause.

SB 1068-By Gross and Stoll.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications service.

SB 1069-By Gross and Griesheimer.

An Act to repeal sections 386.020, 392.220, and 392.245, RSMo, and to enact in lieu thereof four new sections relating to telecommunications companies.

SB 1070-By Gross and Goode.

An Act to repeal section 253.420, RSMo, and to enact in lieu thereof two new sections relating to shipwreck site protection, with penalty provisions.

SB 1071-By Bartle, Russell, Klindt, Scott, Cauthorn and Steelman.

An Act to repeal section 188.028, RSMo, and to enact in lieu thereof one new section relating to informed consent for abortion.

SB 1072-By Dougherty, Kennedy, Coleman, Bray, Russell, Childers and Days.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the creation of the Hope scholarship program.

SB 1073-By Dougherty and Foster.

An Act to repeal section 168.104, RSMo, and to enact in lieu thereof one new section relating to teacher tenure.

SB 1074-By Coleman.

An Act to repeal section 328.080, RSMo, and to enact in lieu thereof two new sections relating to barber apprentices.

SB 1075-By Coleman.

An Act to authorize the sale of certain state property.

SJR 42-By Coleman.

An Act submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to education.

RESOLUTIONS

Senators Steelman and Nodler offered the following resolution:

SENATE RESOLUTION NO. 1118

WHEREAS, the New Source Review Program under the Federal Clean Air Act has been seen by some as confusing, in need of clarification and has been the subject of debate over many years; and

WHEREAS, the primary source of confusion involves questions over definitions within the federal regulations, namely "modification", "repair", and "routine maintenance"; and

WHEREAS, further evidence of confusion and lack of objective standards within the federal regulations can be seen in the numerous lawsuits which have been filed in recent years by the Environmental Protection Agency challenging work performed by individuals as violations of the New Source Review Rule; and

WHEREAS, on October 27, 2003, the EPA published a rule that provided some clarification, the Equipment Replacement Provision, 68 C.F.R. Section 61, 248-61, 280; and

WHEREAS, the Equipment Replacement Provision provides a bright line test for determining when the replacement of broken or deteriorating equipment is "routine"; and

WHEREAS, the Equipment Replacement Provision provides states and industry with definitive standards for judging source "modifications"; and

WHEREAS, the state of New York, along with eleven other states, filed suit in an action styled *State of New York, et al v. U.S. EPA*, No. 03-01380 (D.D.C., 2003), to have this new rule declared invalid; and

WHEREAS, it is believed that the new rule provides the clarity with which the regulated community deserves to possess when considering improvements to individual operating facilities; and

WHEREAS, it is believed that the EPA's Equipment Replacement Provision should remain in full force and effect, providing the regulated community with the clarity and objective standards needed to conduct business in an appropriate manner; and

WHEREAS, the Missouri Department of Natural Resources is currently working to adopt new state rules that will comply with the New Sources Review Program under the Federal Clean Air Act on an expedited basis; and

WHEREAS, the availability of state rules that are compliant with the Federal Clean Air Act is vital to the retention and creation of industrial jobs in Missouri; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, hereby urge the validation of the rule as promulgated by the EPA known as the Equipment Replacement Provision set forth in 68 C.F.R. Section 61,248-61,280, so as to provide necessary clarity to the regulated community as to what constitutes routine maintenance and modification; and

BE IT FURTHER RESOLVED that the Senate commits to join in the Motion to Intervene in the lawsuit styled *State of New York, et al v. U.S. EPA*, No. 03-01380 (D.D.C., 2003), in support of the EPA rule.

Senator Caskey offered Senate Resolution No. 1119, regarding Delbert R. Bodenhamer, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Gregory and Amy Haddock, and their children Cindy and Tyler, Maryville; and Cindy and Tyler were made honorary pages.

Senator Days introduced to the Senate, Charlie Dooly, Alan Green, Tom Curren, Sandy Riley and Skip Mange, St. Louis.

Senator Shields introduced to the Senate, David and Sandi Leichti, and their daughters, Sara and Megan, and Betty and George Leichti, St. Joseph.

Senator Russell introduced to the Senate, Sybl Slaughter, Lebanon.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steve Smith, Chesterfield.

Senator Scott introduced to the Senate, Chuck Matthews, Buffalo.

Senator Yeckel introduced to the Senate, Judith Barker, and her grandchildren, Amanda and Dennis Connors, Lemay; and Amanda and Dennis were made honorary pages.

Senator Gibbons introduced to the Senate, Steven and Regina Hermann, Webster Groves.

Senator Kennedy introduced to the Senate, Leslie Miles, Dave Hurst and Tony Ribaud, St. Louis.

Senator Dougherty introduced to the Senate, Ayesha Harmon, Chicago, Illinois.

Senator Gross introduced to the Senate, Tracy Bono and her daughter Emma Kelly and Alyssa Henderson, St Charles; and Emma and Alyssa were made honorary pages.

Senator Gibbons introduced to the Senate, twenty-five eighth grade students from St. Gerard Majella School, Kirkwood; and Neal Fitzgerald, Stephen Kelly, Caitlin Corcoran, and Bridget Doerr were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY-THURSDAY, JANUARY 15, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 702-Russell

SB 708-Mathewson

SB 716-Childers

SB 729-Steelman

SB 746-Dougherty, et al

SB 751-Coleman

SB 753-Coleman

SB 774-Wheeler

SB 787-Childers

SB 788-Childers

SB 790-Yeckel

SB 824-Griesheimer

SB 826-Bartle

SB 840-Goode

SB 844-Yeckel

SB 857-Klindt

SB 869-Shields

SB 870-Bartle

SB 873-Bray

SB 877-Goode and Days

SB 883-Klindt

SB 884-Klindt

SB 889-Goode

SB 890-Bland

SB 892-Bland

SB 893-Goode

SB 894-Goode

SB 898-Bland

SB 901-Goode

SB 902-Bland

SB 903-Bland

SB 904-Gross and Nodler

SB 905-Foster

SB 906-Foster

SB 907-Klindt

SB 909-Bartle

SB 910-Bland

SB 911-Bland

SB 912-Dougherty and Days

SB 913-Dougherty and Bray

SB 914-Dougherty and Russell

SB 915-Dougherty, et al

SB 916-Dougherty

SB 917-Dougherty and Bray

SB 918-Dougherty, et al

SB 919-Gibbons and Stoll

SB 920-Caskey

SB 921-Caskey

SB 922-Coleman

SB 923-Goode

SB 924-Bland

SB 925-Bland

SB 926-Loudon

SB 927-Loudon

SB 928-Loudon

SB 929-Wheeler

SB 930-Loudon

SB 931-Loudon

SB 932-Loudon

SB 933-Yeckel, et al

SB 934-Bland

SB 935-Gibbons

SB 937-Gross

SB 938-Gross

SB 939-Coleman

SB 940-Coleman

SB 941-Coleman

SB 942-Nodler

SB 943-Goode and Gross

SB 944-Goode

SB 945-Gibbons

SB 946-Bray, et al

SB 947-Russell

SB 948-Steelman

SB 949-Steelman

SB 950-Griesheimer

SB 951-Griesheimer

SB 952-Wheeler

SB 953-Caskey

SB 954-Foster

SB 955-Scott

SB 956-Scott

SB 957-Scott

SB 958-Scott

SB 959-Childers

SB 960-Gibbons

SB 961-Champion

SB 962-Clemens

SB 963-Shields

SB 964-Shields

SB 965-Shields

SB 966-Shields

SB 967-Shields

SB 968-Shields

SB 969-Shields

SB 970-Childers

SB 971-Stoll

SB 972-Stoll

SB 973-Stoll

SB 974-Dougherty

SB 975-Dougherty

SB 976-Stoll

SB 977-Stoll

SB 978-Stoll

SB 979-Stoll

SB 980-Bartle

SB 981-Vogel

SB 982-Coleman

SB 983-Quick

SB 984-Foster

SB 985-Foster

SB 986-Cauthorn

SB 987-Quick

SB 988-Steelman

SB 989-Gross, et al

SB 991-Dougherty

SB 992-Cauthorn

SB 993-Cauthorn

SB 994-Coleman

SB 995-Coleman

SB 996-Shields

SB 997-Shields

SB 998-Shields

SB 999-Griesheimer

SB 1000-Bartle

SB 1001-Wheeler

SB 1002-Bray

SB 1004-Shields

SB 1005-Shields and Stoll

SB 1006-Goode, et al

SB 1007-Goode and Mathewson

SB 1008-Goode

SB 1009-Griesheimer

SB 1010-Dougherty, et al

SB 1011-Dougherty

SB 1012-Caskey

SB 1013-Stoll

SB 1014-Yeckel

SB 1015-Kennedy

SB 1016-Champion, et al

SB 1017-Champion

SB 1018-Champion

SB 1019-Steelman

SB 1020-Steelman and Kinder

SB 1021-Steelman

SB 1022-Gross

SB 1023-Griesheimer

SB 1024-Stoll

SB 1025-Griesheimer and Steelman

SB 1026-Mathewson

SB 1027-Cauthorn, et al

SB 1028-Cauthorn

SB 1029-Bray, et al

SB 1030-Bray, et al

SB 1031-Bray, et al

SB 1032-Bray

SB 1033-Clemens, et al

SB 1034-Childers

SB 1035-Steelman and Mathewson

SB 1036-Steelman

SB 1037-Steelman

SB 1038-Yeckel

SB 1039-Yeckel

SB 1040-Griesheimer

SB 1041-Griesheimer

SB 1042-Griesheimer

SB 1043-Gross

SB 1044-Shields

SB 1045-Kinder, et al

SB 1046-Gibbons

SB 1047-Kennedy

SB 1048-Nodler, et al

SB 1049-Bray

SB 1050-Bray

SB 1051-Steelman

SB 1052-Jacob

SB 1053-Shields

SB 1054-Bartle and Wheeler

SB 1055-Bartle and Wheeler

SB 1056-Bartle

SB 1057-Bartle

SB 1058-Bartle

SB 1059-Bartle and Champion

SB 1060-Bartle

SB 1061-Callahan

SB 1062-Griesheimer

SB 1063-Scott

SB 1064-Scott and Clemens

SB 1065-Steelman and Gross

SB 1066-Steelman

SB 1067-Bland

SB 1068-Gross and Stoll

SB 1069-Gross and Griesheimer

SB 1070-Gross and Goode

SB 1071-Bartle, et al

SB 1072-Dougherty, et al

SB 1073-Dougherty and Foster

SB 1074-Coleman

SB 1075-Coleman

SJR 42-Coleman

RESOLUTIONS

To be Referred

SCR 27-Kennedy, et al

SR 1118-Steelman and Nodler

Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 15, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"The eyes of the Lord are upon the righteous, and His ears are open unto their cry." (Psalm 34:15)

Blessed Lord, You continue to watch over our lives as a mother her newborn. Help us live with such an awareness of Your observing us that what we do brings a blessing on our faithfulness. And let our voices, with those we love, be heard by You and our concerns and hopes noted by You as we seek to do Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and Columbia Tribune were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Dolan--1

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 1120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Warner Hinnah, Marthasville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1121, regarding Bob Dunaway Swartz, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1122, regarding Betty Nickell, Hannibal, which was adopted.

Senator Wheeler offered Senate Resolution No. 1123, regarding Mitchell Craft Bradbury, Kansas City, which was

adopted.

Senator Foster offered Senate Resolution No. 1124, regarding Matthew Alan Umfleet, Piedmont, which was adopted.

Senator Nodler offered Senate Resolution No. 1125, regarding the Eightieth Birthday of Gilbert Paul Harper, Carthage, which was adopted.

Senator Kinder offered Senate Resolution No. 1126, regarding John Edward Dietrich, which was adopted.

Senator Gross offered Senate Resolution No. 1127, regarding Peter James Sheppard, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 1128, regarding the death of Earl G. Henry, Beaumont, Texas, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1076-By Caskey.

An Act to repeal section 461.300, RSMo, and to enact in lieu thereof one new section relating to nonprobate transfers.

SB 1077-By Loudon.

An Act to repeal section 379.160, RSMo, and to enact in lieu thereof one new section relating to fire insurance coverage.

SB 1078-By Loudon.

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to extraordinary dividends of insurance holding companies.

SB 1079-By Callahan and Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation.

SB 1080-By Nodler, Foster, Kinder, Yeckel, Callahan, Childers, Klindt, Wheeler, Champion, Gibbons, Bland, Vogel, Cauthorn, Russell, Scott, Griesheimer, Mathewson, Shields, Steelman, Clemens, Days, Loudon, Coleman, Bray, Bartle, Kennedy and Gross.

An Act to repeal section 160.518, RSMo, and to enact in lieu thereof one new section relating to education accountability standards.

SB 1081-By Kinder, Gross, Coleman, Clemens, Kennedy, Shields, Cauthorn, Callahan, Dolan, Loudon, Griesheimer and Yeckel.

An Act to amend chapter 431, RSMo, by adding thereto six new sections relating to resolution of disputes concerning alleged defective residential construction.

SB 1082-By Childers, Nodler, Griesheimer, Shields, Goode, Kennedy, Wheeler, Caskey, Scott, Steelman, Mathewson, Callahan, Days, Stoll, Russell, Foster, Cauthorn, Dougherty, Gibbons, Coleman, Yeckel, Jacob, Gross, Bartle and Vogel.

An Act to amend chapter 8, RSMo, by adding thereto seventeen new sections relating to state communications.

SB 1083-By Kennedy and Dougherty.

An Act to repeal section 701.342, RSMo, and to enact in lieu thereof one new section relating to testing for lead poisoning in children.

SB 1084-By Foster.

An Act to repeal section 169.596, RSMo, and to enact in lieu thereof one new section relating to the teacher retirement system.

SB 1085-By Foster, Yeckel, Vogel and Kinder.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to donations for multiple sclerosis.

SB 1086-By Cauthorn.

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to homeowner insurance requirements by lenders.

SB 1087-By Days, Foster, Kennedy, Stoll, Jacob, Shields, Childers and Caskey.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

SB 1088-By Steelman.

An Act to repeal sections 301.010 and 304.013, RSMo, and to enact in lieu thereof two new sections relating to the operation of all-terrain vehicles.

SB 1089-By Steelman.

An Act to repeal section 392.200, RSMo, and to enact in lieu thereof one new section relating to telecommunications service.

SB 1090-By Jacob.

An Act to repeal sections 168.303 and 169.712, RSMo, and to enact in lieu thereof two new sections relating to public schools retirement systems.

SB 1091-By Klindt.

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to state aid to community colleges.

SB 1092-By Bartle.

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to tax increment financing.

SB 1093-By Gibbons and Yeckel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to investment of public funds.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its

advice and consent to the following:

Raymond C. Tait, Ph.D. and Lori A. Ladd, as members of the Missouri State Advisory Council on Pain and Symptom Management;

Also,

Lisa E. Betzler, as a member of the Missouri State Committee of Interpreters;

Also,

Andrew P. Nahlik, as student representative, and Deleta Parmley Williams and Lawrence H. Fick, as members of the Central Missouri State University Board of Governors;

Also,

Theodore W. Beaty, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Steven R. Hermann and Phillip L. Gould, as members of the Seismic Safety Commission;

Also,

James E. Berry, as a member of the State Board of Health;

Also,

Judith K. Barker, as a member of the Board of Certification of Interpreters;

Also,

Orville L. Schaefer, as a member of the Safe Drinking Water Commission;

Also,

Karen D. Ferguson, as a member of the Personnel Advisory Board;

Also,

Margaret J. Russell and Russell E. Dayton, as members of the Advisory Commission for Clinical Perfusionists;

Also,

Rusty A. Brown and Timothy James Warren, as members of the Hazardous Waste Management Commission;

Also,

Gregory D. Haddock, Ph.D., as a member of the Land Reclamation Commission;

Also,

Emily C. Dunn, as student representative to the Truman State University Board of Governors;

Also,

Gregory A. Roebach, as a member of the State Committee for Professional Counselors;

Also,

William J. Carr, as Chairman of the Missouri State Penitentiary Redevelopment Commission;

Also,

Tracy M. Bono, Bonnie Sue Lawson, James D. Jackson and Beth L. Viviano, as members of the Missouri Family Trust Board of Trustees;

Also,

David G. Liechti and Sybl D. Slaughter, as members of the State Board of Education;

Also,

Gregory Boyle and Kathleen A. Coleton, as members of the Missouri Acupuncturist Advisory Committee;

Also,

Queen D. Fowler, Ph.D., as a member of the Harris-Stowe State College Board of Regents;

Also,

Franklin D. Nickell, as a member of the Mississippi River Parkway Commission;

Also,

John K. Nisbett, Ph.D., as a member of the Amusement Ride Safety Board;

Also,

Garland G. Barton and Herb R. Johnson, as members of the Missouri Training and Employment Council;

Also,

Courtney Gohn Beykirch and Gilbert G. Adkins, Jr., as members of the Board of Directors for the American National Fish and Wildlife Museum District;

Also,

Janet W. Hunt, as a member of the Missouri Real Estate Commission;

Also,

H. Bruce Nethington and Milamari A. Cunningham, M.D., as members of the Missouri Health Facilities Review Committee;

Also,

John D. Aylward, as a member of the State Soil and Water Districts Commission;

Also,

Lorene A. Van Dam, as a member of the State Board of Podiatric Medicine;

Also,

Mark A. Byington, as a member of the Peace Officer Standards and Training Commission;

Also,

Glennon R. Polete, as a member of the Missouri Real Estate Appraisers Commission;

Also,

David J. Heath, as a member of the Missouri Training and Employment Council;

Also,

Loramel P. Shurtleff, as a member of the Public Defender Commission;

Also,

Gretchen C. Lockett, as a member of the Board of Therapeutic Massage.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SCR 27** and **SR 1118** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 702--Education.

SB 729--Aging, Families, Mental and Public Health.

SB 746--Aging, Families, Mental and Public Health.

SB 751--Aging, Families, Mental and Public Health.

SB 790--Judiciary and Civil and Criminal Jurisprudence.

SB 840--Transportation.

SB 889--Commerce and the Environment.

SB 894--Transportation.

SB 901--Commerce and the Environment.

SB 902--Aging, Families, Mental and Public Health.

SB 903--Ways and Means.

SB 904--Aging, Families, Mental and Public Health.

SB 905--Transportation.

SB 906--Small Business, Insurance and Industrial Relations.

SB 907--Small Business, Insurance and Industrial Relations.

SB 909--Judiciary and Civil and Criminal Jurisprudence.

SB 910--Small Business, Insurance and Industrial Relations.

SB 911--Commerce and the Environment.

SB 912--Aging, Families, Mental and Public Health.

SB 913--Judiciary and Civil and Criminal Jurisprudence.

SB 914--Aging, Families, Mental and Public Health.

SB 916--Judiciary and Civil and Criminal Jurisprudence.

SB 917--Small Business, Insurance and Industrial Relations.

SB 918--Small Business, Insurance and Industrial Relations.

SB 919--Transportation.

SB 920--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 922--Education.

SB 923--Education.

SB 924--Judiciary and Civil and Criminal Jurisprudence.

SB 925--Economic Development, Tourism and Local Government.

SB 926--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 928--Transportation.

SB 930--Small Business, Insurance and Industrial Relations.

SB 931--Judiciary and Civil and Criminal Jurisprudence.

SB 932--Small Business, Insurance and Industrial Relations.

SB 933--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 934--Transportation.

SB 935--Transportation.

SB 938--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 940--Judiciary and Civil and Criminal Jurisprudence.

SB 941--Education.

SB 942--Economic Development, Tourism and Local Government.

SB 944--Commerce and the Environment.

SB 945--Education.

SB 947--Commerce and the Environment.

SB 949--Commerce and the Environment.

SB 950--Ways and Means.

SB 952--Economic Development, Tourism and Local Government.

SB 954--Commerce and the Environment.

SB 955--Transportation.

SB 956--Transportation.

SB 957--Judiciary and Civil and Criminal Jurisprudence.

SB 958--Transportation.

SB 962--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 964--Aging, Families, Mental and Public Health.

SB 965--Transportation.

SB 966--Small Business, Insurance and Industrial Relations.

SB 967--Education.

SB 968--Education.

SB 969--Education.

SB 970--Economic Development, Tourism and Local Government.

SB 971--Judiciary and Civil and Criminal Jurisprudence.

SB 972--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 974--Judiciary and Civil and Criminal Jurisprudence.

SB 975--Education.

SB 976--Pensions and General Laws.

SB 977--Pensions and General Laws.

SB 978--Education.

SB 979--Education.

SB 980--Governmental Accountability and Fiscal Oversight.

SB 981--Ways and Means.

SB 982--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 984--Agriculture, Conservation, Parks and Natural Resources.

SB 985--Agriculture, Conservation, Parks and Natural Resources.

SB 986--Judiciary and Civil and Criminal Jurisprudence.

SB 988--Commerce and the Environment.

SB 989--Commerce and the Environment.

SB 991--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 993--Education.

SB 994--Judiciary and Civil and Criminal Jurisprudence.

SB 995--Pensions and General Laws.

SB 996--Judiciary and Civil and Criminal Jurisprudence.

SB 997--Ways and Means.

SB 998--Ways and Means.

SB 999--Commerce and the Environment.

SB 1000--Judiciary and Civil and Criminal Jurisprudence.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 916**, entitled:

An Act to repeal sections 570.223 and 575.120, RSMo, and to enact in lieu thereof three new sections relating to identity theft, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1094-By Scott, Kinder, Vogel, Yeckel, Loudon, Gross, Childers, Champion, Gibbons, Shields, Cauthorn, Nodler, Russell, Griesheimer, Dolan, Klindt, Foster and Clemens.

An Act to repeal sections 408.040, 490.065, 508.010, 508.040, 508.070, 510.263, 516.105, 537.067, 538.205, 538.210, 538.225, and 538.230, RSMo, and to enact in lieu thereof fifteen new sections relating to tort reform.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 14, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

Senator Peter Kinder

Senate President Pro Tem

Capitol Building, Room 326

Jefferson City, Missouri 65101

Re: Joint Committee on Administrative Rules (JCAR)

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove me from the Joint Committee on Administrative Rules (JCAR) and appoint Senator Bray to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

Also,

January 14, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

Senator Peter Kinder

Senate President Pro Tem

Capitol Building, Room 326

Jefferson City, Missouri 65101

Re: Joint Committee on Transportation Oversight

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove Senator Days from the Joint Committee on Transportation Oversight and appoint Senator Bray to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

Also,

January 14, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

Senator Peter Kinder

Senate President Pro Tem

Capitol Building, Room 326

Jefferson City, Missouri 65101

Re: Joint Committee on Terrorism, Bioterrorism & Homeland Security

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove Senator Dougherty from the Joint Committee on Terrorism, Bioterrorism & Homeland Security and appoint Senator Wheeler to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

Also,

January 14, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

Senator Peter Kinder

Senate President Pro Tem

Capitol Building, Room 326

Jefferson City, Missouri 65101

Re: Committee on Rules, Joint Rules, Resolutions and Ethics

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove me from the Committee on Rules, Joint Rules, Resolutions and Ethics and appoint Senator Dougherty to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. Donald Alcorn, Sedalia.

On motion of Senator Gibbons, the Senate adjourned until 12:00 noon, Tuesday, January 20, 2004

SENATE CALENDAR

SEVENTH DAY-TUESDAY, JANUARY 20, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 708-Mathewson

SB 716-Childers

SB 753-Coleman

SB 774-Wheeler

SB 787-Childers

SB 788-Childers

SB 824-Griesheimer

SB 826-Bartle

SB 844-Yeckel

SB 857-Klindt

SB 869-Shields

SB 870-Bartle

SB 873-Bray

SB 877-Goode and Days

SB 883-Klindt

SB 884-Klindt

SB 890-Bland

SB 892-Bland

SB 893-Goode

SB 898-Bland

SB 915-Dougherty, et al

SB 921-Caskey

SB 927-Loudon

SB 929-Wheeler

SB 937-Gross

SB 939-Coleman

SB 943-Goode and Gross

SB 946-Bray, et al

SB 948-Steelman

SB 951-Griesheimer

SB 953-Caskey

SB 959-Childers

SB 960-Gibbons

SB 961-Champion

SB 963-Shields

SB 973-Stoll

SB 983-Quick

SB 987-Quick

SB 992-Cauthorn

SB 1001-Wheeler

SB 1002-Bray

SB 1004-Shields

SB 1005-Shields and Stoll

SB 1006-Goode, et al

SB 1007-Goode, et al

SB 1008-Goode

SB 1009-Griesheimer

SB 1010-Dougherty, et al

SB 1011-Dougherty

SB 1012-Caskey

SB 1013-Stoll

SB 1014-Yeckel

SB 1015-Kennedy

SB 1016-Champion, et al

SB 1017-Champion

SB 1018-Champion

SB 1019-Steelman

SB 1020-Steelman and Kinder

SB 1021-Steelman

SB 1022-Gross

SB 1023-Griesheimer

SB 1024-Stoll

SB 1025-Griesheimer and Steelman

SB 1026-Mathewson

SB 1027-Cauthorn, et al

SB 1028-Cauthorn

SB 1029-Bray, et al

SB 1030-Bray, et al

SB 1031-Bray, et al

SB 1032-Bray

SB 1033-Clemens, et al

SB 1034-Childers

SB 1035-Steelman and Mathewson

SB 1036-Steelman

SB 1037-Steelman

SB 1038-Yeckel

SB 1039-Yeckel

SB 1040-Griesheimer

SB 1041-Griesheimer

SB 1042-Griesheimer

SB 1043-Gross

SB 1044-Shields

SB 1045-Kinder, et al

SB 1046-Gibbons

SB 1047-Kennedy

SB 1048-Nodler, et al

SB 1049-Bray

SB 1050-Bray

SB 1051-Steelman

SB 1052-Jacob

SB 1053-Shields

SB 1054-Bartle and Wheeler

SB 1055-Bartle and Wheeler

SB 1056-Bartle

SB 1057-Bartle

SB 1058-Bartle

SB 1059-Bartle and Champion

SB 1060-Bartle

SB 1061-Callahan

SB 1062-Griesheimer

SB 1063-Scott

SB 1064-Scott and Clemens

SB 1065-Steelman and Gross

SB 1066-Steelman

SB 1067-Bland

SB 1068-Gross and Stoll

SB 1069-Gross and Griesheimer

SB 1070-Gross and Goode

SB 1071-Bartle, et al

SB 1072-Dougherty, et al

SB 1073-Dougherty and Foster

SB 1074-Coleman

SB 1075-Coleman

SB 1076-Caskey

SB 1077-Loudon

SB 1078-Loudon

SB 1079-Callahan and Yeckel

SB 1080-Nodler, et al

SB 1081-Kinder, et al

SB 1082-Childers, et al

SB 1083-Kennedy and Dougherty

SB 1084-Foster

SB 1085-Foster, et al

SB 1086-Cauthorn

SB 1087-Days, et al

SB 1088-Steelman

SB 1089-Steelman

SB 1090-Jacob

SB 1091-Klindt

SB 1092-Bartle

SB 1093-Gibbons and Yeckel

SB 1094-Scott, et al

SJR 42-Coleman

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

SENATE BILLS FOR PERFECTION

SB 1003-Gibbons, et al, with SCS

Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY--TUESDAY, JANUARY 20, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Do not fear, for I have redeemed you; I have called you by name, you are mine." (Isaiah 43:1b)

Gracious God, we are humbly grateful for Your claiming us and making us Your own. Help us to approach all things mindful each day of this relationship with You and so do those things for the benefit and need of those whom You have also claimed as Your own. And Lord, we pray for our doorkeeper, Ken Holman, at the death of his sister. Bless this family and comfort them as they commend her to Your loving care. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 15, 2004, was read and approved.

Photographers from the Columbia Tribune, KRCG-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Quick--1

RESOLUTIONS

Senator Bray offered Senate Resolution No. 1129, regarding Annelise Mertz, Clayton, which was adopted.

Senator Gross offered Senate Resolution No. 1130, regarding Robert William "Willie" Goeltz, III, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1131, regarding Timothy Herman, St. Peters, which was adopted.

Senator Nodler offered Senate Resolution No. 1132, regarding Dr. Larry L. Talley, Neosho, which was adopted.

Senators Days and Bray offered Senate Resolution No. 1133, regarding Agnes Wilcox, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1134, regarding Coach Richard Marti, Lamar, which was adopted.

Senator Bray offered Senate Resolution No. 1135, regarding Kenneth and Nancy Kranzberg, Ladue, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1136, regarding the One Hundred Fifth Birthday of Amy Jett, Washington, which was adopted.

Senator Callahan offered Senate Resolution No. 1137, regarding Jacob K. "Jake" Lair, Independence, which was adopted.

Senator Dougherty offered Senate Resolution No. 1138, regarding Aaron Timmons, St. Louis, which was adopted.

Senator Dougherty offered Senate Resolution No. 1139, regarding Chad Robert Tullock, St. Louis, which was adopted.

Senator Dougherty offered Senate Resolution No. 1140, regarding Brad Bilbrey, St. Louis, which was adopted.

Senator Loudon offered Senate Resolution No. 1141, regarding Christopher Richard "Chris" Scheerer, Chesterfield, which was adopted.

Senator Scott offered Senate Resolution No. 1142, regarding Chief Jimmy Luster, El Dorado Springs, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1143, regarding Kathryn Red Corn, Pawhuska, Oklahoma, which was adopted.

Senator Stoll offered Senate Resolution No. 1144, regarding Andrew Scott Vollmar, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1145, regarding Geoffrey Lynn "Geoff" Allen, DeSoto, which was adopted.

Senator Stoll offered Senate Resolution No. 1146, regarding the Mastodon Art/Science Regional Fair, Jefferson County, which was adopted.

Senator Klindt offered Senate Resolution No. 1147, regarding Phil Johnson, which was adopted.

Senator Klindt offered Senate Resolution No. 1148, regarding the Bank of Rothville, which was adopted.

Senators Clemens and Russell offered Senate Resolution No. 1149, regarding the Eightieth Birthday of Geraldine G. Holt, Chadwick, which was adopted.

Senator Nodler offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1150

WHEREAS, it is with great sorrow, tremendous respect, and sincere admiration that the members of the Missouri Senate pause to honor the memory of a true American hero: Colonel Travis Hoover, United States Air Force (retired), who departed this life on Saturday, January 17, 2004, at the age of 86; and

WHEREAS, born on September 21, 1917, in Melrose, New Mexico, into the family of Fred and Elizabeth Hoover, Travis Hoover graduated from Polytechnic High School in Riverside, California, in 1936; earned an Associate of Arts degree from Riverside Junior College in 1938 and a Bachelor of Arts degree from the University of California-Berkley in 1949; and enlisted in the National Guard on November 9, 1938; and

WHEREAS, a Flying Cadet in the regular Army in August of 1939, Travis Hoover completed pilot training and received a Second Lieutenant commission in May 1940, after which he excelled in combat to earn the Silver Star, Legion of Merit with Oak Leaf Cluster, Distinguished Flying Cross, Air Medal with nine Oak Leaf Clusters, Army Commendation Medal, and Chinese Army, Navy, and Air Corps Medal, Class A 1st Grade; and

WHEREAS, a highly effective member of the Doolittle Tokyo Raid of April 18, 1942, Travis Hoover served as a bomber pilot, squadron commander, operations officer, and fighter pilot in the Pacific, England, North Africa, and Italy during World War II and in such other locales as Okinawa, Turkey, Kansas, Washington, D.C., California, Texas, and Mississippi during peacetime; and

WHEREAS, preceded in death by his parents, wife Kay, sister Blanche Barto, brother Troyce Hoover, and grandson Brian Zerkel, the late Colonel Travis Hoover is survived by his step-daughter, Beverly Zerkel, and her husband, James; grandchildren and their spouses, Russ and Susan Zerkel, James and Debra Zerkel, Brad and Sherri Zerkel, Kenneth Zerkel, Paula Zerkel, and Julie Zerkel; seven great-grandchildren; caregiver Sue Swatsenbarg; and comrade-in-arms, Tung Sheng Liu, who risked his own life to transport the downed pilot out of Japanese-occupied China during World War II and who later became a much-beloved friend:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to memorialize the life, work, and accomplishments of Colonel Travis Hoover and to convey this legislative body's most heartfelt condolences to all of those family members, friends, and colleagues who now miss his considerable light and warmth in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of United States Air Force Colonel Travis Hoover of Joplin, Missouri.

Senator Gibbons offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1151

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and nine division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

		MONTHLY
NO.	CLASSIFICATION	SALARY RANGE
6	Staff Attorney II	3,051 - 4,554
2	Research Analyst IV	3,051 - 4,554
1	Investigator	2,823 - 4,181
4	Research Staff Secretary	2,424 - 3,463
5	Budget Research Analyst III	3,051 - 4,554
1.5	Budget Staff Secretary	2,424 - 3,463
1	Economist	3,051 - 4,554
4	Assistant Secretary of Senate	2,516 - 3,609
2.5	Enrolling & Engrossing Clerk	2,061 - 2,937
1	Billroom Supervisor	2,061 - 2,937
1	Billroom Clerk	1,756 - 2,372
2	Public Information Specialist I	2,061 - 2,937
3	Public Information Specialist II	2,337 - 3,373
1	Photographer	2,337 - 3,373
1	Administrative Assistant	1,500 - 5,723
1	Telecommunications Coordinator	2,615 - 3,763
2.5	Accounting Specialist	2,424 - 3,463
1	Hu man Resources Specialist	2,424 - 3,463

7	Administrative Secretary	2,516 - 3,609
5	Clerical Assistant	2,255 - 3,240
1	Messenger	1,613 - 2,165
1	Data Control Coordinator	2,424 - 3,463
3	Computer Info. Technology Spec. I	3,373 - 4,966
2	Computer Info. Technology Spec. II	3,925 - 5,662
3	Computer Info. Technologist II	2,716 - 3,925
1	Network/Communications Specialist	3,373 - 4,966
2	Data Entry Operator III	1,860 - 2,567
2	Composing Equipment Operator III	1,989 - 3,051
0.5	Mailroom Supervisor	2,061 - 2,937
1	Printing Services Technician I	1,561 - 2,055
3	Printing Services Technician II	1,756 - 2,372
3	Printing Services Technician III	1,923 - 2,665
1	Maintenance Supervisor	2,173 - 3,051
1	Carpenter II	2,061 - 2,937
1	Custodian III	1,756 - 2,372
1	Maintenance Worker	1,756 - 2,372
0.5	Sergeant at Arms (Elected)	2,337 - 3,373
0.5	Doorkeeper (Elected)	1,451 - 2,172
3.5	Assistant Doorkeeper	1,421 - 1,816
0.5	Reading Clerk	1,421 - 1,816
0.5	Chaplain	500 - 915
0.5	Security Guard	1,500 - 2,615

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2005.

Senator Shields offered Senate Resolution No. 1152, regarding Dustin Matthew Dockery, St. Joseph, which was adopted.

CONCURRENT RESOLUTIONS

Senators Kennedy, Bray, Days, Dougherty, Coleman, Callahan and Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, Missourians spent approximately \$30 billion on health care last year; and

WHEREAS, this spending represents 16% of the gross state product; and

WHEREAS, prescription drugs were 12.8% of health care spending; and

WHEREAS, pharmacy costs were 30.9% of Medicaid general revenue; and

WHEREAS, the average cost per prescription for seniors rose by 48% between 1992 and 2000 and is expected to rise another 72% by 2010; and

WHEREAS, 22% of seniors skip doses or allow prescriptions to go unfilled because of the high costs; and

WHEREAS, consumers pay 30% to 50% less for the same drugs in Canada; and

WHEREAS, in 2001, pharmaceutical companies imported \$14.7 billion of drugs for consumption in the United States; and

WHEREAS, we live in a global economy and should have access to goods produced by trade partners; and

WHEREAS, access to Canadian pharmaceuticals could save Missouri consumers and the state of Missouri millions of dollars; and

WHEREAS, the importation of Canadian pharmaceuticals is currently prohibited by the federal Food and Drug Administration:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the President of the United States to order the Food and Drug Administration to lift the ban on Canadian pharmaceuticals; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and Missouri's Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1095-By Goode, Jacob, Bray, Days, Dougherty, Coleman and Mathewson.

An Act to repeal sections 149.015 and 149.160, RSMo, and to enact in lieu thereof six new sections relating to the health care for Missouri's people program, with a referendum clause.

SB 1096-By Caskey.

An Act to amend chapter 700, RSMo, by adding thereto sixteen new sections relating to regulating the installation of manufactured homes, with penalty provisions.

SB 1097-By Clemens.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SB 1098-By Clemens.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SB 1099-By Gibbons, Shields, Kinder, Vogel, Griesheimer, Bray, Bartle, Gross, Steelman, Nodler and Callahan.

An Act to repeal sections 21.810, 32.057, 620.014, and 620.1300, RSMo, and to enact in lieu thereof eleven new sections relating to tax credits, with penalty provisions.

SB 1100-By Gibbons and Gross.

An Act to repeal sections 536.015, 536.021, 536.023, and 536.031, RSMo, and to enact in lieu thereof four new sections relating to administrative procedures and review.

SB 1101-By Steelman, Goode, Bray, Yeckel, Days and Callahan.

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to the president of the University of Missouri system.

SB 1102-By Steelman and Jacob.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

SB 1103-By Steelman.

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to the authorization of bonds.

SB 1104-By Steelman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SB 1105-By Shields.

An Act to repeal sections 513.430 and 513.440, RSMo, and to enact in lieu thereof three new sections relating to property exempt from attachment in bankruptcy proceedings.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 1003**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1003

An Act to repeal sections 208.152, 208.204, and 630.210, RSMo, and to enact in lieu thereof four new sections relating to the children's mental health reform act.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1003** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1003, Page 10, Section 208.204, Line 30, by inserting after all of said line the following:

"571.023. 1. A person commits the crime of criminally negligent storage of a firearm if:

- (1) Such person stores or keeps any loaded firearm or unloaded firearm and ammunition for that firearm on any premises under his or her custody and control;**
- (2) He or she knows or reasonably should know that a minor is capable of gaining access to the loaded firearm or unloaded firearm and ammunition; and**
- (3) A minor obtains the loaded firearm or unloaded firearm and ammunition and uses it to cause the death of any person or exhibits the firearm in a public place or uses it to threaten injury or death to any person.**

2. The provisions of subsection 1 of this section shall not apply if, at the time the minor obtains the firearm:

(1) Such person was keeping:

(a) The loaded firearm or unloaded firearm and ammunition in a securely locked box or other locked container;

(b) The loaded or unloaded firearm secured by a locking mechanism that renders the firearm inoperable;

(c) The loaded or unloaded firearm in a dismantled state that renders the firearm inoperable and stores at least one part which is essential to the operation of the firearm in a securely locked box or other locked container; or

(d) The ammunition for an unloaded firearm stored separate from that unloaded firearm in a securely locked box or other locked container;

(2) The person is a peace officer, an active member of the armed forces, or its reserves, or a member of the national guard and the minor obtains the firearm during, or incidental to, that person performing his or her official duties;

(3) The minor obtains and discharges the firearm in a lawful act of self-defense or defense of one or more persons;

(4) The minor obtains the firearm as the result of an unlawful entry onto the premises where the firearm is located;

(5) The minor was supervised by a person twenty-one years of age or older and was engaging in hunting, sporting, or another lawful purpose; or

(6) The minor was engaged in an agricultural enterprise.

3. As used in this section the term "minor" means any person eighteen years of age or younger who is identified pursuant to subsection 2 of section 208.204, RSMo, to be in the system due exclusively to a need for mental health services.

4. Firearms dealers shall be required to provide purchasers with a written warning about the provisions of this section and to place a conspicuous warning sign at the place where their firearms are sold. The warning shall read as follows: "It is unlawful and a violation of section 571.023, RSMo, to store, transport, or abandon a loaded firearm or an unloaded firearm and ammunition for that firearm in a place where minors are likely to be and can obtain access to the loaded firearm or unloaded firearm and ammunition."

5. Criminally negligent storage of a firearm is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the Senate Committee Substitute.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Nodler assumed the Chair.

Senator Bartle assumed the Chair.

Senator Wheeler offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1003, Page 10, Section 208.204, Line 30, by inserting after all of said line the following:

"565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **eighteenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 2** is out of order, in that it goes beyond the scope of the title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Gibbons moved that **SCS** for **SB 1003** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1003**, was declared perfected and ordered printed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 708--Judiciary and Civil and Criminal Jurisprudence.

SB 774--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 788--Transportation.

SB 824--Judiciary and Civil and Criminal Jurisprudence.

SB 826--Judiciary and Civil and Criminal Jurisprudence.

SB 869--Commerce and the Environment.

SB 870--Judiciary and Civil and Criminal Jurisprudence.

SB 873--Small Business, Insurance and Industrial Relations.

SB 883--Small Business, Insurance and Industrial Relations.

SB 884--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 890--Judiciary and Civil and Criminal Jurisprudence.

SB 892--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 893--Ways and Means.

SB 898--Judiciary and Civil and Criminal Jurisprudence.

SB 915--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 921--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 937--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 939--Judiciary and Civil and Criminal Jurisprudence.

SB 946--Judiciary and Civil and Criminal Jurisprudence.

SB 948--Commerce and the Environment.

SB 951--Economic Development, Tourism and Local Government.

SB 960--Ways and Means.

SB 963--Commerce and the Environment.

SB 973--Economic Development, Tourism and Local Government.

SB 987--Commerce and the Environment.

SB 1002--Transportation.

SB 1004--Aging, Families, Mental and Public Health.

SB 1005--Commerce and the Environment.

SB 1006--Transportation.

SB 1007--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1008--Ways and Means.

SB 1009--Commerce and the Environment.

SB 1011--Small Business, Insurance and Industrial Relations.

SB 1014--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1015--Education.

SB 1016--Commerce and the Environment.

SB 1017--Judiciary and Civil and Criminal Jurisprudence.

SB 1018--Aging, Families, Mental and Public Health.

SB 1020--Commerce and the Environment.

SB 1023--Judiciary and Civil and Criminal Jurisprudence.

SB 1025--Commerce and the Environment.

SB 1028--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1029--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1032--Education.

SB 1037--Commerce and the Environment.

SB 1038--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1039--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1040--Commerce and the Environment.

SB 1043--Transportation.

SB 1046--Transportation.

SB 1051--Economic Development, Tourism and Local Government.

SB 1052--Education.

SB 1053--Education.

SB 1054--Pensions and General Laws.

SB 1056--Ways and Means.

SB 1058--Ways and Means.

SB 1065--Commerce and the Environment.

SB 1067--Small Business, Insurance and Industrial Relations.

SB 1068--Commerce and the Environment.

SB 1069--Commerce and the Environment.

SB 1080--Education.

SB 1084--Pensions and General Laws.

SB 1089--Commerce and the Environment.

SB 1090--Pensions and General Laws.

SB 1094--Judiciary and Civil and Criminal Jurisprudence.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1106-By Shields.

An Act to authorize the governor to convey a tract of land owned by the state to the St. Joseph Museum, Inc., with an emergency clause.

SB 1107-By Shields.

An Act to authorize the governor to convey a tract of land owned by the state to the St. Joseph School District.

SRB 1108-By Bartle.

An Act to repeal sections 72.424, 105.268, 144.036, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 319.023, 400.9-629, and 620.1310, RSMo, for the purpose of repealing expired and outdated sections.

SB 1109-By Coleman.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to higher education tuition policy, with an effective date.

SB 1110-By Coleman.

An Act to repeal sections 173.005, 174.020, 174.300, 174.310, and 174.320, RSMo, and to enact in lieu thereof five new sections relating to Harris-Stowe State College.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1153, regarding the One Hundredth Anniversary of the Sedalia Knights of Columbus Council #831, Sedalia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, the 2003 Class 2 Boys Soccer State Champions Duchesne High School Pioneers, and Coaches Dave Thurmer, Father Gahan, Mike Matter and Joe Baldessare, St. Charles.

Senator Gross introduced to the Senate, Amber Warren, 2003 Class 2 State Cross Country Cham-pion; and Coach Ed Staude, St. Charles County.

Senator Kennedy introduced to the Senate, Captain Antoinette Filla, St. Louis.

Senator Russell introduced to the Senate, Mathew S. Morris, Oregon County.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY-WEDNESDAY, JANUARY 21, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 753-Coleman

SB 787-Childers

SB 844-Yeckel

SB 857-Klindt

SB 877-Goode and Days

SB 927-Loudon

SB 929-Wheeler

SB 943-Goode and Gross

SB 953-Caskey

SB 959-Childers

SB 961-Champion

SB 983-Quick

SB 992-Cauthorn

SB 1001-Wheeler

SB 1010-Dougherty, et al

SB 1012-Caskey

SB 1013-Stoll

SB 1019-Steelman

SB 1021-Steelman

SB 1022-Gross

SB 1024-Stoll

SB 1026-Mathewson

SB 1027-Cauthorn, et al

SB 1030-Bray, et al

SB 1031-Bray, et al

SB 1033-Clemens, et al

SB 1034-Childers

SB 1035-Steelman and Mathewson

SB 1036-Steelman

SB 1041-Griesheimer

SB 1042-Griesheimer

SB 1044-Shields

SB 1045-Kinder, et al

SB 1047-Kennedy

SB 1048-Nodler, et al

SB 1049-Bray

SB 1050-Bray

SB 1055-Bartle and Wheeler

SB 1057-Bartle

SB 1059-Bartle and Champion

SB 1060-Bartle

SB 1061-Callahan

SB 1062-Griesheimer

SB 1063-Scott

SB 1064-Scott and Clemens

SB 1066-Steelman

SB 1070-Gross and Goode

SB 1071-Bartle, et al

SB 1072-Dougherty, et al

SB 1073-Dougherty and Foster

SB 1074-Coleman

SB 1075-Coleman

SB 1076-Caskey

SB 1077-Loudon

SB 1078-Loudon

SB 1079-Callahan and Yeckel

SB 1081-Kinder, et al

SB 1082-Childers, et al

SB 1083-Kennedy and Dougherty

SB 1085-Foster, et al

SB 1086-Cauthorn

SB 1087-Days, et al

SB 1088-Steelman

SB 1091-Klindt

SB 1092-Bartle

SB 1093-Gibbons and Yeckel

SB 1095-Goode, et al

SB 1096-Caskey

SB 1097-Clemens

SB 1098-Clemens

SB 1099-Gibbons, et al

SB 1100-Gibbons and Gross

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1110-Coleman

SJR 42-Coleman

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

RESOLUTIONS

To be Referred

SCR 28-Kennedy, et al

Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY--WEDNESDAY, JANUARY 21, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"...for a wide door for effective work has opened for me, and there are many adversaries." (1Corinthians 16:9)

Heavenly Father, we see the days ahead and the opportunities for us to work together to provide effective legislation and a manageable budget. Direct us when those who would make our work difficult arise so we might still produce good work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1154, regarding the Shelby County Historical Society, Shelby, which was adopted.

Senator Klindt offered Senate Resolution No. 1155, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Stephen Sanders, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 1156, regarding the One Hundredth Birthday of Hazel Frey, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1157, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edgar Morelock, Browning, which was adopted.

Senator Childers offered Senate Resolution No. 1158, regarding Jared Daniel Haynie, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 1159, regarding Brydon Thomas Brett, Branson, which was adopted.

Senator Gibbons offered Senate Resolution No. 1160, regarding John and Betty Hiemburger, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1161, regarding Bill and Sunny Combs, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1162, regarding Don Corrigan, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1163, regarding Dwight Bitikofer, Webster Groves, which was adopted.

Senator Gibbons offered Senate Resolution No. 1164, regarding Pat Bush, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1165, regarding Keith Rawlings, Kirkwood, which was adopted.

Senator Loudon offered Senate Resolution No. 1166, regarding Dr. Jeffrey B. Dalin, Chesterfield, which was adopted.

Senators Bray, Coleman, Dougherty, Gibbons, Goode, Griesheimer, Kennedy, Loudon and Yeckel offered Senate Resolution No. 1167, regarding Susan Block, St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 1168, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jim Bowe, Laredo, which was adopted.

Senator Quick offered Senate Resolution No. 1169, regarding Howard Breen, which was adopted.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following escort committee pursuant to **HCR 2**: Senators Kinder, Gibbons, Russell, Yeckel, Klindt, Mathewson, Bland, Dougherty, Jacob and Coleman.

REFERRALS

President Pro Tem Kinder referred **SCR 28** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 2**. Representatives: Cooper (120), Cunningham (86), Portwood, Bearden, Fares, St. Onge, Johnson (90), Ransdall, Harris (23) and Jones.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the State address. Representatives: May, Moore, Mayer, Hunter, Roark, Behnen, Zweifel, Harris (110), Boykins and El-Amin.

CONCURRENT RESOLUTIONS

Senator Kennedy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 29

WHEREAS, the current government of Vietnam is a non-democratic, one-party system of government without rule of law that arbitrarily infringes upon the basic human and civil liberties of its citizens; and

WHEREAS, Vietnamese-Americans were forced to flee Vietnam in fear of the government of Vietnam's campaign of retribution and persecution after the fall of Saigon in 1975; and

WHEREAS, the state of Missouri is home to 20,000 Vietnamese-Americans and residents of Vietnamese descent, and they have made substantial contributions to the cultural, religious, business and commerce of the state of Missouri; and

WHEREAS, the vast majority of Vietnamese-Americans embrace the yellow with three red stripes heritage and freedom flag as the official symbol of the Vietnamese-American community; and

WHEREAS, dating back to 1948, the yellow flag with three red stripes has a long history in Vietnam and is a broader symbol of resilience, freedom, and democracy of and for Vietnamese- Americans and free Vietnamese around the world; and

WHEREAS, Vietnamese-Americans have shown their desire that the yellow flag with three red stripes be recognized as the official flag of the Vietnamese-American Community; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby formally recognize the yellow with three red stripes heritage and freedom flag as the official flag of the Vietnamese-American community in this state, and permits this flag to be displayed on any state-owned property, or at any state-controlled or sponsored Vietnamese-American event, or any public function organized by the Vietnamese-American community, subject to the permit requirements of the event's locality; and

BE IT FURTHER RESOLVED that the Missouri General Assembly encourages county officials and city legislators in the state of Missouri to pass resolutions recognizing the yellow with three red stripes heritage and freedom flag as the official flag of the Vietnamese-American community.

Senator Gibbons moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Bob Holden, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

Absent with leave--Senators--None

On roll call the following Representatives were present:

Present--Representatives

Abel	Angst	Baker	Barnitz
Bean	Bearden	Behnen	Bishop
Black	Bland	Bough	Boykins
Bringer	Brooks	Brown	Bruns
Burnett	Byrd	Campbell	Carnahan

Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110
Harris 23	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter
Ice	Jackson	Jetton	Johnson 47
Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer
Marsh	May	Mayer	McKenna
Meiners	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips
Portwood	Purgason	Quinn	Ransdall
Rector	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger
Taylor	Thompson	Threlkeld	Townley
Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel
Madam Speaker--153			
	Absent and Absent with Leave--Representatives		
Avery	Bivins	Haywood	Johnson 61
Lawson	Pratt	Reinhart	Richard
Smith 14--9			
	Vacancies--1		

The Joint Committee appointed to wait upon His Excellency, Governor Bob Holden, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

State of the State Address

By

Governor Bob Holden

January 21, 2004

Mr. President, Madame Speaker, Mr. President Pro Tem, Distinguished State Officials, Mr. Chief Justice, Honored Members of the Missouri Supreme Court, Members of the 92nd General Assembly, First Lady Lori Hauser Holden, and Citizens of the State of Missouri:

I come before you today to discuss the state of our state ... and to reflect on the state of state government and the state of bi-partisanship in Missouri.

At a time of great challenge for our nation, both here and abroad, we in Missouri have seen our share of hardship and sacrifice. A great number of our citizens have left home and family in the service of our country, including the brave volunteers who serve in Missouri's National Guard.

That is why I think it's important today to begin with a remembrance of those Missouri citizens who have fallen during Operations Enduring Freedom and Iraqi Freedom. Their sacrifice is a reminder that here in the safety of our capital city, our disagreements should never be characterized as battles, but rather as the actions of a democracy that these soldiers gave their lives defending. And we are forever in their solemn debt.

These are the names of our fallen servicemen, and I'd like to follow this reading with a moment of silence in their honor:

Specialist Jonathan Barnes from Anderson, Missouri. 21 years old.

Sergeant Michael Barry from Kansas City, Missouri. 29 years old.

Specialist Joel Bertoldie from Independence, Missouri. 20 years old.

Sergeant Travis Burkhardt from Edina, Missouri. 26 years old.

Second Lieutenant Benjamin J. Colgan from Aurora, Missouri. 30 years old.

Aviation Electrician's Mate Samuel Patrick Cox from Kansas City, Missouri. 21 years old.

Private First Class Jesse Givens from Springfield, Missouri. 34 years old.

Sergeant Nicolas Hodson from Smithville, Missouri. 22 years old.

Staff Sergeant Jamie Huggins of Hume, Missouri. 26 years old.

Technical Sergeant William Kerwood from Houston, Missouri. 37 years old.

Staff Sergeant Daniel L. Kisling, Jr. of Neosho, Missouri. 31 years old.

Specialist Joshua Neusche from Montreal, Missouri. 20 years old.

Captain Benedict Smith from Monroe City, Missouri. 29 years old.

Private First Class Jeremiah Smith from Odessa, Missouri. 25 years old.

Staff Sergeant Robert Anthony Stever from Springfield, Missouri. 38 years old.

Sergeant Philip J. Svitak of Joplin, Missouri. 31 years old.

Private First Class Adam L. Thomas from LaPlata, Missouri. 21 years old.

And Sergeant Donald Walters from Kansas City, Missouri. 33 years old.

It is with a heavy heart that we remember these young men of Missouri...some of our finest. And we are humbled by their bravery.

For those of us in this chamber, let us respect their sacrifice by putting our own disagreements in proper perspective. In the heat of political debate, it is not uncommon to hear the language of war.

As if partisan politics could be compared to the ultimate sacrifice on a battlefield. It can't. And all of us know that. I call upon each and every one

of us to begin anew - to put reason before rancor and to recognize just how fortunate we all are.

Let us look to the families of these heroic soldiers, gathered here in our gallery. We honor you and pledge our unrelenting efforts for shared progress for every citizen of Missouri.

As we head into this new year, we face many difficult questions. But as many of you know, I am an optimistic man.

It is my nature to see the good in people and to seek common ground on difficult questions. So before I address the challenges ahead, let's take a moment to look at the health of our state and the growing strength of our economy.

At a time when our nation is just beginning to emerge from one of the darkest recessions in memory, Missouri is in sound economic condition.

Missouri has a long history in aviation and the airline industry, and our state suffered more than its share of lost airline jobs in the wake of September 11th. But in spite of this setback, our unemployment rate has remained below the national average.

In fact, we have more new businesses than ever before, and we've created a net gain of 30,000 new jobs since my last State of the State address. The rest of the country is losing jobs -- 220,000 net lost jobs last year alone.

But we created more jobs in Missouri last year than all but seven states. And, in fact, we created more jobs than any of our surrounding states. We are bucking the national trend, and it's something we should all take great pride in achieving.

Out of all fifty states, we rank fifth in productivity, twelfth for small business startups and we're one of only seven states with a Triple-A bond rating - a significant measure of our state's fiscal health and potential, and of our stewardship of state government.

These have been difficult times. But in the middle of our state's name is the word "our." Not "mine," not "yours," but "our" - as in "our" strength and "our" people. Together, we're all rising above tough times. There have been important issues where we have been able to find common ground.

Support and respect for our veterans is one such example. We should take great pride in the new 200 bed veteran's home in Mt. Vernon and the new wing at the St. Louis Veterans Home, which is nearing completion.

We have also completed two new veterans cemeteries, bringing the total to four. And the Veterans Task Force, created with the help of Lt. Governor Joe Maxwell, has assisted in our efforts to launch one of the most aggressive veterans outreach programs in state history. We've helped over 2,000 veterans receive benefits they didn't know they were entitled to. To me, it's the true fulfillment of public service to be able to give full honors and benefits to those who've served our country.

Working to protect Missouri jobs and support Missouri workers is another important accomplishment of the past year, and I salute everyone in this chamber who has played a role. Speaker Hanaway and President Pro Tem Kinder, we could not have kept the Ford Hazelwood plant in our state without a united effort, and I'm grateful for all that you did in joining me to help protect those 2,600 high-paying jobs.

But in the end, we must also recognize that Ford would not have stayed in Missouri if our workers did not warrant their confidence. Those who work the line held the line.

On the other side of our state, in Kansas City, H&R Block is building their new world headquarters, making a long term commitment to Kansas City and keeping nearly two thousand jobs in-state.

We protected the American Airlines overhaul base and their 1,700 jobs.

And we just recently received word that Ford will build the first hybrid Escape at their Claycomo plant, helping to secure the jobs of 5,500 Missouri autoworkers.

These American Airlines and Ford jobs, in particular, make another important point. Whether it's ensuring the safety of air travelers, or helping build the next generation of environmentally sound vehicles, Missouri workers are entrusted with the safety of families both in the air and on the ground, and there's no one I trust more with the future of Missouri's economy.

There are a number of examples of businesses starting in Missouri, staying in Missouri, or looking to move to Missouri. But I also realize that for a recently laid off worker, these stories of success offer little comfort at a difficult time. But know that as your Governor, I will continue to work tirelessly to strengthen our economy and create 21st century jobs - jobs that build on our native strengths and diversity here in Missouri.

That's why, today, I am calling on the Missouri General Assembly to pass my 2004 Jobs Now plan. By eliminating three outdated tax credits and redirecting the savings to local infrastructure projects, we can put the new revenue to work by putting Missourians to work.

The Jobs Now plan would answer critical needs in our local communities, including waste water systems, industrial parks, and broadband telecommunication systems. It would redirect existing revenue, leverage non-state investments, and is cost-neutral to the budget. Many of these projects are ready to go. Let's pass the Jobs Now plan and get them started.

The future of our state's economy also rests on the promise of new energy and new technologies. By energy, I mean a renewed commitment to ethanol that helps both our corn-producing farmers and our energy-consuming citizens.

And by new technologies, I mean the development of life sciences in both our business and academic communities. Energy and technology can lift up both urban and rural Missouri together.

And as all of you know, this son of Birch Tree believes there's no point in reaching the new frontier if half the family is left behind. That's why I'm proud to announce today a bipartisan effort to fully fund our state's ethanol program.

By working to expand the world market for ethanol and to support our state's ethanol production, we can not only strengthen our farming communities, we can also improve the environment and help lessen our country's dependence on Persian Gulf oil.

Our farmers may have never thought of themselves as having a role in Middle East politics, but let me say this - instead of turning swords into plowshares, we can use plowshares to force down the swords of war. Lowering demand for Persian Gulf oil and removing our soldiers from this cauldron of conflict should be a national imperative, and Missouri farmers can help lead the way.

We are also uniquely positioned in the Midwest to be the leader in developing industrial applications for life sciences. We have a top notch university system at the center of the world's most fertile cropland.

We are home to over one hundred life sciences companies already, placing us in the top third of all states. And, in fact, the Bio-based Manufacturers Association just moved their headquarters from Memphis to St. Louis. They wanted to be closer to what we call the heart of the Bio-Belt.

Whether it's pharmaceuticals, bio-technology, or medical research - life science technologies will create the jobs of tomorrow. And I want Missouri to be...not just the gateway to the West...but also the gateway to the future.

But how do we get there? Community leaders throughout Missouri have all told me the same thing. And I'm certain all of you have heard this message as well.

Whether it's a hospital administrator in St. Joseph, a tool and dye manufacturer in Lee's Summit, a printer in St. Charles, or the owner of a garage in any town in Missouri - they're all saying the same thing.

"Good schools are critical to the success of our business. We need educated workers or we can't compete."

One of those garage owners made the point very clearly. He said: "If you don't believe I need workers with a good education, just lift the hood of your car and look at the engine."

Manufacturers choose communities with an educated workforce. Young doctors and other professionals establish their practices and begin their families in towns with good schools. And companies transferring their workers look for the best schools for their workers' children.

As I've traveled the country promoting Missouri - and some of you have been with me in many of those meetings - wherever we go, we're asked about the quality of our schools and the abilities of our workforce.

In fact, one plant manager in Hannibal told me that his company decides where to expand based largely upon the quality of an area's community college. Our people should take a backseat to no one...I'm proud of our citizens, and I know you are, too. We should never sell their talents short.

But unfortunately...and you knew I was coming to this...last year the talents of our people were indeed sold short.

For the first time in the history of our state, this legislature cut the total education budget by hundreds of millions of dollars and endangered the futures of countless children. Over the last decade, we had been investing in our public schools and getting results.

Our eighth grade students are above the national average in math skills, we have made significant gains in reading proficiency, our ACT scores continue to rise, and we have 176 schools of distinction when measured on our scale of tough standards. More of our students are taking a rigorous curriculum, we've more than doubled the number of nationally certified teachers, and our schools are being held accountable with school report cards.

But after a decade of investment and progress, you passed last year's education cuts twice over my veto with a great flourish of bravado. If last year's education cuts are allowed to stand, all of these gains are in great jeopardy.

There is nothing moral in raising standards and expectations at a struggling school, only to deny the necessary funding. Look at this through a child's eyes - first we encouraged them to dream, then you denied them the means. That's not bravado. That's just cruel.

Those of you on the other side of the aisle chose to defend tax breaks for corporations at the expense of our children's education. And we're already seeing the consequences of your actions.

College tuition is up as much as 20 percent. One thousand four hundred teachers have lost their jobs. Some kindergarten classes have over 30 students, and alternative schools for disruptive students are being shut down. This, of course, leads to more disruption in the classroom and higher dropout rates.

Some of you obviously think there is courage in cutting education funding. But where is the courage in merely shifting the burden onto local property owners?

Where is the courage in forcing your local constituents to raise property taxes to make up the difference?

And where is the courage in siding with gambling and tobacco interests over the welfare of our children in public schools?

Your failure to meet your constitutional obligations has caused the courts to be dragged back into Missouri schools.

Many of you preach the politics of less government. Well, you brought the courts into our classrooms. It's time you take responsibility and help get the lawyers and the lawsuits out.

Let us be frank and realistic about public school funding. Your approach will have the consequence of forcing local property tax increases.

Some in this chamber may live in communities of great means. And as you look out the windows of your home, a small increase in property taxes may not seem like much of a sacrifice. But you are wrong. Every community has those on the margins who are barely surviving - who can hardly afford the property taxes they already pay. Maybe you can't see them from your front window, but they exist all the same.

Many communities will never be able to increase property taxes enough to make up for last year's education cuts.

The ultimate end of your abdication of duty is starvation and consolidation. By starving local communities of education funding, you leave some with no other choice but to shut down schools and deprive those children of opportunity.

You may not see these children from the comfort of your front window. But they exist all the same.

And finally, there are seniors throughout Missouri who cannot afford higher property taxes, even though their hearts are with our schools. They, like my parents and some of yours, sacrificed their entire lives to provide their children with a college education. Often it was an education that they themselves never had.

You may never see these seniors from your window. But they exist all the same. You have asked in this chamber before - "what part of 'No' do I not understand?"

Well, I say in return that I will never understand doing real and lasting harm to our children and seniors. I believe our citizens deserve better than that.

Last year, we disagreed on whether Missouri had a spending problem or a revenue problem. Let's not have that disagreement again. Throughout my years as Governor, I have worked to control spending. I have cut more than 3,000 jobs from state government and over \$1.2 billion in government spending...more than any other Governor in Missouri history.

Missouri is not a free spending state. In fact, we rank 46th in per capita spending and 49th in the average salary of our government employees.

During last year's budget debate, I accepted every cut you put forward, and still you could not provide me with a balanced budget without devastating education. You cut all the fat you could find, so cutting was clearly not the entire solution.

This year, I will continue my efforts to reduce waste and improve government efficiency. In fact, I have identified another \$100 million in program and service reductions that are part of my overall plan to balance our budget.

But the essence of our problem is unchanged. Yes, we have reached agreement on projected revenues for next year. But they won't be near enough to repair the damage that you have done to Missouri schools.

If we are to meet our responsibilities to educate our children, we will need additional revenue through the least painful means. I will not rest until we have restored the funding you cut from schools in this state. If you thought this issue was settled, think again.

You already know my plan to raise revenue...increasing the cigarette tax and casino taxes, closing corporate loopholes, and placing a small surcharge on the income tax of the wealthiest 1.4 percent of Missourians.

You've heard my plan before. And you have spoken. But the vast majority of Missourians haven't spoken. Your refusal to allow our citizens to vote on this plan robs them of their voice and of their opportunity to succeed.

I think Missouri is better than that. One way or another, the education cuts you inflicted last year must not stand. I say this not to stand against you...but because I have a duty to stand up for Missouri's children.

By increasing revenues and closing corporate loopholes, we can restore school funding without a general tax increase. We can add the money necessary to improve our foster care system without a general tax increase.

And we can give modest raises to our state workers - like those who work in foster care or child abuse prevention. Some have not seen a cost of living increase in three years. Keep in mind our state employees are working people who face the same challenges and needs as any other working person, and they deserve our respect. They are not simply expendable boxes on an organizational chart.

Even those professionals that some of you belittle as "middle management bureaucrats" - they keep this complex operation running, and they protect our citizens. State employees are being asked to do more with less every year.

My budget, while providing additional cuts, does give a slight raise to these hard working Missourians, and believe me, when the lives of our most vulnerable are at stake, keeping our best people on the job is not asking too much.

I believe in looking forward. And that is a part of our shared history in Missouri.

As you know, I often speak in these State of the State addresses from the perspective of history. And this year, we celebrate one of our country's most historic events - the two hundredth anniversary of Lewis and Clark's incredible journey. Their exploration of the Missouri River is a truly inspiring tale of heroism and daring. In spite of many obstacles, they pressed forward on their journey west.

But today, I think it is important to honor the heroes of our time...seemingly ordinary people who perform extraordinary service. The soldiers we honored today knew the dangers of their job. But they got up every day, pressed forward, and faced them anyway.

We will never know the true depth of their courage or their fear, but we do know this - we know they will be remembered. And in the memory of those who loved them, they will always be young.

I believe each of us has a calling. For those soldiers, it was defending something larger than themselves.

For our teachers, it's rising to the challenge of shaping our youngest, most vulnerable minds.

For our state workers, it's securing the safety and well-being of our citizens.

And for our citizens, it's helping secure a brighter future for generations to come.

For those of us in this chamber, our calling is simple - we must work together to move Missouri forward.

This is not a battlefield. It's public service. No more talk of war. Let us talk of getting something done for the people of Missouri.

Thank you, God bless you, and may God bless this great state.

On motion of Senator Gibbons, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Bartle.

CONCURRENT RESOLUTIONS

Senators Gibbons and Bartle offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 30

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninety-second General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that she has compared the same with the original rolls in her office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-second General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1111-By Klindt.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

SB 1112-By Clemens.

An Act to repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to the election of community college district boards of trustees.

SB 1113-By Loudon.

An Act to repeal sections 486.225, 486.235, 486.240, 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and 486.395, RSMo, and to enact in lieu thereof nineteen new sections relating to notaries public, with penalty provisions.

SB 1114-By Loudon.

An Act to repeal section 82.291, RSMo, and to enact in lieu thereof one new section relating to removal of nuisances, with a termination date.

SB 1115-By Loudon.

An Act to repeal section 301.132, RSMo, and to enact in lieu thereof one new section relating to licensing of street rods and custom vehicles.

SB 1116-By Stoll.

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

SB 1117-By Stoll.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court costs in the twenty-third judicial circuit.

SB 1118-By Cauthorn.

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to exemptions from state and local sales and use taxes.

SB 1119-By Cauthorn.

An Act to amend chapter 338, RSMo, by adding thereto four new sections relating to protecting conscience rights of pharmaceutical professionals.

SB 1120-By Cauthorn.

An Act to repeal section 393.015, RSMo, and to enact in lieu thereof one new section relating to water and sewer companies.

SB 1121-By Cauthorn.

An Act to repeal section 304.010, RSMo, and to enact in lieu thereof one new section relating to county road speed limits, with penalty provisions.

SB 1122-By Shields.

An Act to repeal sections 332.051, 332.071, 332.081, 332.111, and 332.121, RSMo, and to enact in lieu thereof six new sections relating to the practice of dentistry, with penalty provisions.

SB 1123-By Gibbons, Shields, Stoll, Kinder, Coleman, Steelman and Childers.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to reimbursement of nursing homes, with an emergency clause.

SJR 43-By Klindt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the budget reserve fund.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1003**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1170, regarding John F. Minton, St. Joseph, which was adopted.

COMMUNICATIONS

Senator Kinder submitted the following:

January 20, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

Senator Peter Kinder

Senate President Pro Tem

Capitol Building, Room 326

Jefferson City, Missouri 65101

Re: Missouri Children's Services Commission

Dear Terry and Peter:

At the request of Senator Stoll and Senator Days, I would request that you remove Senator Stoll from his appointment on the Missouri Children's Services Commission (created by Section 210.101, RSMo.) and appoint Senator Days to the vacancy created thereby.

Senator Days is very interested in the appointment and would like to be appointed at your earliest convenience so that she might begin her participation in the Commission's work. For your information, the next meeting of the Commission is scheduled for January 26th and I would request that the appointment of Senator Days be made in advance of that date.

Thank you for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Michael Fitzgerald, Bethany.

Senator Foster introduced to the Senate, Joe Knodell and Jay Decker, Poplar Bluff.

Senator Coleman introduced to the Senate, Tyronne Robertson, Phoenix, Arizona.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY-THURSDAY, JANUARY 22, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 753-Coleman

SB 787-Childers

SB 844-Yeckel

SB 857-Klindt

SB 877-Goode and Days

SB 927-Loudon

SB 929-Wheeler

SB 943-Goode and Gross

SB 953-Caskey

SB 959-Childers

SB 961-Champion

SB 983-Quick

SB 992-Cauthorn

SB 1001-Wheeler

SB 1010-Dougherty, et al

SB 1012-Caskey

SB 1013-Stoll

SB 1019-Steelman

SB 1021-Steelman

SB 1022-Gross

SB 1024-Stoll

SB 1026-Mathewson

SB 1027-Cauthorn, et al

SB 1030-Bray, et al

SB 1031-Bray, et al

SB 1033-Clemens, et al

SB 1034-Childers

SB 1035-Steelman and Mathewson

SB 1036-Steelman

SB 1041-Griesheimer

SB 1042-Griesheimer

SB 1044-Shields

SB 1045-Kinder, et al

SB 1047-Kennedy

SB 1048-Nodler, et al

SB 1049-Bray

SB 1050-Bray

SB 1055-Bartle and Wheeler

SB 1057-Bartle

SB 1059-Bartle and Champion

SB 1060-Bartle

SB 1061-Callahan

SB 1062-Griesheimer

SB 1063-Scott

SB 1064-Scott and Clemens

SB 1066-Steelman

SB 1070-Gross and Goode

SB 1071-Bartle, et al

SB 1072-Dougherty, et al

SB 1073-Dougherty and Foster

SB 1074-Coleman

SB 1075-Coleman

SB 1076-Caskey

SB 1077-Loudon

SB 1078-Loudon

SB 1079-Callahan and Yeckel

SB 1081-Kinder, et al

SB 1082-Childers, et al

SB 1083-Kennedy and Dougherty

SB 1085-Foster, et al

SB 1086-Cauthorn

SB 1087-Days, et al

SB 1088-Steelman

SB 1091-Klindt

SB 1092-Bartle

SB 1093-Gibbons and Yeckel

SB 1095-Goode, et al

SB 1096-Caskey

SB 1097-Clemens

SB 1098-Clemens

SB 1099-Gibbons, et al

SB 1100-Gibbons and Gross

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1110-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1122-Shields

SB 1123-Gibbons, et al

SJR 42-Coleman

SJR 43-Klindt HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

THIRD READING OF SENATE BILLS

SCS for SB 1003-Gibbons, et al

RESOLUTIONS

SCR 30-Gibbons and Bartle

To be Referred

Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY--THURSDAY, JANUARY 22, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"And all of you must clothe yourselves with humility in dealing with one another, for 'God opposes the proud, but gives grace to the humble.'" (I Peter 5:5)

Merciful God, as we conclude this day's work and return to those we love, watch over our travels and help us remember in humility the gift You have given us in those we share this life and let us share the joy of Your Word bowing before it this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

Absent with leave--Senator Wheeler--1

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1171, regarding Laurel Young, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1172, regarding Robert A. Karsznia, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 30** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SCR 30** was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman--2		
	Absent with leave--Senator Wheeler--1		

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1124-By Goode and Steelman.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to recovery of costs by electrical corporations, with an effective date.

SB 1125-By Goode.

An Act to repeal sections 386.370, 386.390, and 393.190, RSMo, and to enact in lieu thereof four new sections relating to consumer protection.

SB 1126-By Russell.

An Act to repeal sections 285.300, 288.050, and 288.270, RSMo, and to enact in lieu thereof five new sections relating to employment, with penalty provisions.

SB 1127-By Cauthorn.

An Act to amend chapter 335, RSMo, by adding thereto one new section relating to the nurse licensure compact.

SB 1128-By Cauthorn.

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, and 644.016, RSMo, and to enact in lieu thereof nine new sections relating to concentrated animal feeding operations.

SB 1129-By Bray.

An Act to amend chapter 407, RSMo, by adding thereto two new sections relating to the consumer's right to know, with penalty provisions.

SB 1130-By Scott.

An Act to repeal section 251.440, RSMo, and to enact in lieu thereof two new sections relating to regional planning commissions.

SB 1131-By Steelman.

An Act to repeal section 386.390, RSMo, and to enact in lieu thereof one new section relating to consumer protection.

SB 1132-By Steelman, Scott, Griesheimer, Mathewson, Childers, Kinder and Nodler.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the predetermination of prudence and ratemaking principles for infrastructure investments by electric, gas, and water utilities.

SB 1133-By Foster, Coleman, Dougherty and Kennedy.

An Act to repeal section 168.221, RSMo, and to enact in lieu thereof one new section relating to school principals.

SB 1134-By Foster, Coleman, Dougherty and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the creation of the Missouri junior/senior cadets program.

SB 1135-By Foster, Coleman, Dougherty and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to bullying in public schools.

SB 1136-By Vogel.

An Act to revise the governor's authority to convey certain property in Cole County which is part of the correctional facility know as the Church Farm, as enacted by house bill no. 1186, ninetieth general assembly, second regular session.

SB 1137-By Vogel.

An Act to repeal section 50.333, RSMo, and to enact in lieu thereof one new section relating to the salary commission.

SB 1138-By Bartle.

An Act to repeal sections 211.141, 211.327, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 452.340, 452.554, 478.725, 488.031, 488.429, 488.445, 488.4014, 488.5320, 491.300, and 595.045, RSMo, and to enact in lieu thereof twenty-three new sections relating to court procedures, with penalty provisions.

SB 1139-By Mathewson.

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to the adjutant general.

SB 1140-By Mathewson.

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to the Pettis County school fund.

SB 1141-By Loudon.

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

THIRD READING OF SENATE BILLS

SCS for **SB 1003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1003An Act to repeal sections 208.152, 208.204, and 630.210, RSMo, and to enact in lieu thereof four new sections relating to the children's mental health reform act.

Was taken up by Senator Gibbons.

On motion of Senator Gibbons, **SCS** for **SB 1003** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Wheeler--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 732**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 714** and **SB 761**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1000**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler assumed the Chair.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Karen K. Hall, as a member of the Missouri Seed Capital Investment Board;

Also,

Steven C. Zweig, M.D., as a member of the Commission for the Missouri Senior Rx Program;

Also,

Joseph Gulino, Ph.D., as a member of the Board of Geologist Registration;

Also,

Kelvin L. Simmons, as Director of the Department of Economic Development;

Also,

Guy C. Gilbert, as a member of the Board of Geologist Registration;

Also,

Anne Elisa Ross, as a member of the Minority and Underrepresented Environmental Literacy Program;

Also,

Patrick Dougherty, Na'im B. Gray and Kay Lynne Myers, as members of the Children's Trust Fund Board;

Also,

Lillian D. Eunice, Lisa G. Conrad and James M. Caccamo, Ph.D., as members of the State Board of Senior Services;

Also,

Teresa L. Hensley, Carol Shelley, Derek E. Conard, Michelle Y. Cebulko, Marjorie K. Carter, Barbara B. Smith and Sheila S. Dullum, as members of the Child Abuse and Neglect Review Board;

Also,

Richard D. Easley and Londell Jamerson, II, as members of the Peace Officer Standards and Training Commission;

Also,

Kenneth R. Shuler, as a member of the Board of Directors for the American National Fish and Wildlife Museum District;

Also,

John W. Siscel, III, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Pamela L. Marshall, as a member of the State Board of Pharmacy;

Also,

John Nicholas Constantino, M.D., as a member of the Mental Health Commission;

Also,

Nancy D. Anderson Tayborn, as a member of the Missouri Minority Business Advocacy Commission;

Also,

Shawn J. Gebhardt, as a student representative to the University of Missouri Board of Curators;

Also,

Jeffrey A. Dierking, as student representative to the Linn State Technical College Board of Regents;

Also,

Lowell Mohler, as a member of the Conservation Commission;

Also,

Cynthia R. Ballentine and David J. Lackey, as members of the Missouri Board of Occupational Therapy;

Also,

Anitra L. Nevels, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

John M. Boyer, Richard H. Frueh, Jeffrey D. Cawlfeld, Ph.D. and Zoretta V. Schoonover, as members of the Dam and Reservoir Safety Council;

Also,

Cheri Leigh, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

John Adams, as a member of the Missouri State Committee of Interpreters;

Also,

James R. Asahl, Roger D. Young and Roger D. Porter, as members of the Advisory Committee for 911 Service Oversight;

Also,

Victoria A. Horst, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

John L. Tirre, as a member of the State Board of Cosmetology;

Also,

Melinda Christianson, as a member of the Advisory Council for Professional Physical Therapists.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 1028** to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **SCR 29** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 5**.

HOUSE CONCURRENT RESOLUTION NO. 5

An Act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010 relating to State of Missouri Vendor Payroll Deductions, with an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, the Office of Administration filed proposed amendment for 1 CSR 10-4.010 on August 15, 2003, and filed the order of rulemaking with the Joint Committee on Administrative Rules on November 14, 2003; and

Whereas, the Joint Committee on Administrative Rules held a hearing on December 8, 2003, and has found the rule lacking in compliance with the provisions of Chapter 536, RSMo, in that the rule either lacked statutory authority in violation of section 536.014, RSMo, or had an inaccurate fiscal note regarding costs to private persons in violation of section 536.205, RSMo;

Now, therefore, be it resolved the General Assembly finds that the office of administration has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo, or 536.205, RSMo; and

Be it further resolved that the Ninety-second General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010, State of Missouri Vendor Payroll Deductions; and

Be it further resolved that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-second General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

Be it further resolved that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1142-By Dolan.

An Act to amend chapter 194, RSMo, by adding thereto six new sections relating to disposition of fetal remains act, with penalty provisions.

SB 1143-By Dolan.

An Act to amend chapter 570, RSMo, by adding thereto four new sections relating to motor vehicle theft, with penalty provisions.

SB 1144-By Dolan.

An Act to repeal sections 301.141, 301.142, and 301.143, RSMo, and to enact in lieu thereof four new sections relating to disabled license plates, with penalty provisions and an effective date.

SJR 44-By Dolan.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of transportation.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1173, regarding the One Hundredth Birthday of Ada Lillian Ekstam-Engelbrecht, Eugene, which was adopted.

Senator Vogel offered Senate Resolution No. 1174, regarding Edward M. "Ted" Sheehan, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1175, regarding Andrew Taylor Kaiser, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1176, regarding Benjamin Lewis Montgomery, IV, Fulton, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senators Stoll, Kinder and himself, Senator Griesheimer introduced to the Senate, Robert G. (Bob) Wilkins, Hillsboro; Mike Wright, Warrenton; Bob McCullough and Joe Duecker, St. Louis County; and Bob Wilkins, Jefferson County.

Senator Dolan introduced to the Senate, Michael Mayer, Florissant; and Matthew Drake, Sikeston.

Senator Kinder introduced to the Senate, Dr. Floyd Jones, Jr., Kennett; Dr. Calvin C. Lee, Chesterfield; Dr. Robert Simon, Clayton; Dr. Bob D. Swartz, Paris; and Dr. John E. Dietrich, Kansas City.

Senator Kinder introduced to the Senate, Dr. John L. Sheets, D.D.S., Cape Girardeau; and Dr. Jeffrey Dalin, Dr. Ray Storm and Ms. Jan Storm.

Senator Jacob introduced to the Senate, Larry Jackson, D.D.S. and Fred Christman, D.D.S., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, January 26, 2004.

SENATE CALENDAR

TENTH DAY-MONDAY, JANUARY 26, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 753-Coleman

SB 787-Childers

SB 844-Yeckel

SB 857-Klindt

SB 877-Goode and Days

SB 927-Loudon

SB 929-Wheeler

SB 943-Goode and Gross

SB 953-Caskey

SB 959-Childers

SB 961-Champion

SB 983-Quick

SB 992-Cauthorn

SB 1001-Wheeler

SB 1010-Dougherty, et al

SB 1012-Caskey

SB 1013-Stoll

SB 1019-Steelman

SB 1021-Steelman

SB 1022-Gross

SB 1024-Stoll

SB 1026-Mathewson

SB 1027-Cauthorn, et al

SB 1030-Bray, et al

SB 1031-Bray, et al

SB 1033-Clemens, et al

SB 1034-Childers

SB 1035-Steelman and Mathewson

SB 1036-Steelman

SB 1041-Griesheimer

SB 1042-Griesheimer

SB 1044-Shields

SB 1045-Kinder, et al

SB 1047-Kennedy

SB 1048-Nodler, et al

SB 1049-Bray

SB 1050-Bray

SB 1055-Bartle, et al

SB 1057-Bartle

SB 1059-Bartle and Champion

SB 1060-Bartle

SB 1061-Callahan

SB 1062-Griesheimer

SB 1063-Scott

SB 1064-Scott and Clemens

SB 1066-Steelman

SB 1070-Gross and Goode

SB 1071-Bartle, et al

SB 1072-Dougherty, et al

SB 1073-Dougherty and Foster

SB 1074-Coleman

SB 1075-Coleman

SB 1076-Caskey

SB 1077-Loudon

SB 1078-Loudon

SB 1079-Callahan and Yeckel

SB 1081-Kinder, et al

SB 1082-Childers, et al

SB 1083-Kennedy and Dougherty

SB 1085-Foster, et al

SB 1086-Cauthorn

SB 1087-Days, et al

SB 1088-Steelman

SB 1091-Klindt

SB 1092-Bartle

SB 1093-Gibbons and Yeckel

SB 1095-Goode, et al

SB 1096-Caskey

SB 1097-Clemens

SB 1098-Clemens

SB 1099-Gibbons, et al

SB 1100-Gibbons and Gross

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1110-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1122-Shields

SB 1123-Gibbons, et al

SB 1124-Goode and Steelman

SB 1125-Goode

SB 1126-Russell

SB 1127-Cauthorn

SB 1128-Cauthorn

SB 1129-Bray

SB 1130-Scott

SB 1131-Steelman

SB 1132-Steelman, et al

SB 1133-Foster, et al

SB 1134-Foster, et al

SB 1135-Foster, et al

SB 1136-Vogel

SB 1137-Vogel

SB 1138-Bartle

SB 1139-Mathewson

SB 1140-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1144-Dolan

SJR 42-Coleman

SJR 43-Klindt

SJR 44-Dolan

HB 916-Brown, et al

SENATE BILLS FOR PERFECTION

SB 739-Klindt

SB 732-Gross

SBs 714 & 761-Kinder, et al, with SCS

SB 1000-Bartle

RESOLUTIONS

To be Referred

HCR 5-Byrd, et al

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY--MONDAY, JANUARY 26, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"I give thanks to thee, O Lord my God, with my whole heart and I will glorify thy name forever." (Psalm 86:12)

Gracious God, we thank You for those who worked so hard to assure our roads are clear and our travel safe. We thank You for those who do so much to make sure emergency vehicles can get to those who need them. And we thank You for bringing us safely here to continue our work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 22, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1177, regarding Margie Vogel, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1178, regarding Julie Perez, Louisiana, which was adopted.

Senator Yeckel offered Senate Resolution No. 1179, regarding Daniel Martin "Dan" Huelsing, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 1180, regarding Girls Holla Back!, St. Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 1181, regarding Tasoula Scire, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1182, regarding Tracey Mulholland, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1183, regarding Melissa Glasco, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1184, regarding Evan Manuel, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1185, regarding Mary Ann Shields, Buckner, which was adopted.

Senator Bartle offered Senate Resolution No. 1186, regarding Paula Sue Jensen, Independence, which was adopted.

Senator Wheeler offered Senate Resolution No. 1187, regarding the Eightieth Birthday of Francis L. Harter, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1188, regarding the Ninety-fourth Birthday of Arzelia J. Gates, Kansas City, which was adopted.

Senator Bray offered Senate Resolution No. 1189, regarding Joe Edwards, St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 1190, regarding Joan Domke, Callaway County, which was adopted.

Senator Bartle offered Senate Resolution No. 1191, regarding Warren Utsler, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1192, regarding Janet Faye Slauter, Lee's Summit, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1193

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 22, 2004.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1193** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1193** was adopted.

CONCURRENT RESOLUTIONS

Senator Vogel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 31

Relating to approval for the Curators of the University of Missouri to enter into a long-term ground lease of certain real property owned by the University and located in the City of Columbia for the purpose of construction of a hotel/convention center complex on said real property.

WHEREAS, the Curators of the University of Missouri, a public corporation of the State of Missouri, own certain real property located in the City of Columbia, Boone County, Missouri, more particularly described as follows:

A tract of land being part of the southeast quarter of Section 13, Township 48 North, Range 13 West; part of the southwest quarter of Section 18, Township 48 North, Range 12 West and part of the northwest quarter of Section 19, Township 48 North, Range 12 West in Columbia, Boone County, Missouri.

Starting at the southeast corner of Section 13, Township 48 North, Range 13 West; thence N 1 15'E, along the range line, 104.73 feet to the north right-of-way of Stadium Boulevard (State Route 740), the point of beginning.

From the point of beginning and following said right-of-way N 88 18'W 47.10 feet; thence N 88 54'W 209.92 feet; thence North 44 10'W 85.00 feet; thence 89 06'W 15.50 feet to the east line of Monk Drive; thence N 1 15'E, along said line 737.00 feet to the south line of Hospital Drive; thence S 89 05'E, along said line 140 feet; thence northeasterly, continuing along said line 860 feet; thence easterly, continuing along the south line of Hospital Drive 440 feet to the west line of College Avenue (State Route 763); thence south, along said line 300 feet; thence southwesterly, continuing along the west line of College Avenue being a curve to the right 1130 feet to the north line of Stadium Boulevard; thence northwesterly, along said line being a curve to the left 750 feet to the beginning.; and

WHEREAS, the University of Missouri has determined that the most appropriate use of the land would be the construction of a hotel/convention center complex; and

WHEREAS, the Curators of the University of Missouri intend to issue a "Request for Proposals" (RFP) for the construction of a hotel/convention center complex on said property; and

WHEREAS, the Curators of the University of Missouri will include all of the following principles in the "Request for Proposals" (RFP) for this project:

- (1) The University intends to lease the real property for a term not to exceed 50 years;
- (2) The University will lease the real property for an amount equal to or in excess of fair market value;
- (3) The University will encourage as many interested parties as possible to respond to the RFP; and
- (4) The University will not own or operate the hotel/con-vention center complex;
- (5) The University will not participate in the profits of the hotel/convention center complex in any way except for the receipt of rents for the real property; and
- (6) The University will expect the successful respondent to pay all applicable taxes, including but not limited to, personal property and real property taxes as assessed by governmental entities;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby approve the Curators of the University of Missouri entering into a long-term ground lease with the successful respondent, as determined by the Curators of the University of Missouri, of the real property described above for the purpose of the construction of a hotel/convention center complex on said real property; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senators Gibbons and Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, the teaching of universal themes such as honesty and integrity benefit the community as a whole by accomplishing change in ways that strengthen, support, and reflect the local community's values; and

WHEREAS, having good character demonstrates understanding, caring, and acting upon core ethical values such as honesty, respect and responsibility and is an essential attribute of a successful individual; and

WHEREAS, schools that reach out to families and include them in character-building efforts greatly enhance their chances for success with students; and

WHEREAS, traits such as kindness and caring, respect and responsibility, fairness and honesty are critical to the overall health and safety of a school; and

WHEREAS, a school must be a caring community which motivates and challenges students to have good moral character and requires moral leadership from both staff and students; and

WHEREAS, polls have shown that 90% of those surveyed support the teaching of values, like responsibility, respect, courage, and caring in schools; and

WHEREAS, in 1988, CHARACTER*plus*, a statewide collaborative effort that reaches more than 600 schools, 25,000 teachers, and 300,000 students, and based on a grass-roots community project in the St. Louis region, was established in Missouri by parents, educators, and business leaders and is now our nation's largest community-wide response to the challenges of character education; and

WHEREAS, in accordance with the Missouri School Improvement Program (MSIP) Standard 6.5, a comprehensive intentional character education process helps schools create a positive climate for learning and promotes teacher and administrative responsibility; and

WHEREAS, in accordance with the MSIP Standard 6.6, a comprehensive intentional character education process provides the strategy to promote and maintain orderliness in schools and creates a safe environment; and

WHEREAS, in accordance with MSIP Standard 6.6, the CHARACTER*plus* process provides an assessment tool that gathers data, provides comprehensive and comparative data reports, and furnishes consultation for analyzing and setting up a yearly plan to modify and improve programs and strategies; and

WHEREAS, in accordance with MSIP Standard 6.7, the CHARACTER*plus* process provides professional development for school character education teams and for the entire school staff as an integral part of the character education process; and

WHEREAS, the principles taught by the CHARACTER*plus* process are consistent with "Goal 4" of the Show-Me Standards, as approved by the Missouri State Board of Education on January 18, 1996, which states, "Students in Missouri public schools will acquire the knowledge and skills to make decisions and act as responsible members of society"; and

WHEREAS, at least fourteen states have passed legislation requiring character education be taught in schools, while an additional fourteen states encourage the teaching of character education; and

WHEREAS, character education initiatives in Missouri have received support from the U.S. Department of Education in the form of federal grants to our schools to support local character education efforts as has the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby challenge each school district in our state to develop a character education process that involves school, home, and community, and if they already have such a process in place, reevaluate such process in order to make certain the resources that best benefit the students of this state are being utilized.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1145-By Kennedy.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to automated traffic control

enforcement systems.

SB 1146-By Dougherty and Griesheimer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to traffic signal preemption systems, with penalty provisions.

SB 1147-By Dougherty and Bartle.

An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment, with penalty provisions.

SB 1148-By Dougherty, Bray, Goode and Gibbons.

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to the children's environmental health and protection advisory council.

SB 1149-By Dougherty.

An Act to repeal sections 210.150, 210.152, 210.153, and 210.183, RSMo, and to enact in lieu thereof four new sections relating to the child abuse and neglect registry, with penalty provisions.

SB 1150-By Goode.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

SB 1151-By Steelman, Nodler, Coleman, Bray, Dougherty, Champion, Stoll and Days.

An Act to repeal sections 376.779, 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830, 376.833, 376.836, and 376.840, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mental health.

SB 1152-By Steelman.

An Act to amend chapter 204, RSMo, by adding thereto thirty-three new sections relating to reorganized common sewer districts, with penalty provisions.

SB 1153-By Cauthorn.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing.

SB 1154-By Cauthorn.

An Act to repeal section 332.093, RSMo, and to enact in lieu thereof one new section relating to the practice of a dental assistant.

SB 1155-By Cauthorn.

An Act to repeal section 99.1000, RSMo, and to enact in lieu thereof one new section relating to the Missouri rural economic stimulus authority.

SB 1156-By Caskey.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

SB 1157-By Scott.

An Act to repeal sections 198.006 and 198.073, RSMo, and to enact in lieu thereof three new sections relating to assisted living facilities.

SB 1158-By Bray, Days and Coleman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to emergency contraception.

SB 1159-By Foster and Dougherty.

An Act to repeal section 210.102, RSMo, and to enact in lieu thereof one new section relating to the coordinating board for early childhood.

SB 1160-By Shields, Cauthorn, Gross, Yeckel, Vogel, Nodler, Griesheimer, Kennedy, Klindt, Mathewson, Wheeler, Bartle, Clemens, Stoll, Coleman, Gibbons, Kinder, Loudon, Dougherty and Caskey.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program.

SB 1161-By Jacob.

An Act to repeal sections 67.793 and 67.799, RSMo, and to enact in lieu thereof two new sections relating to regional recreation districts.

SB 1162-By Jacob.

An Act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

SB 1163-By Jacob.

An Act to repeal section 67.402, RSMo, and to enact in lieu thereof one new section relating to nuisance abatement.

SB 1164-By Jacob, Days, Stoll, Wheeler and Kennedy.

An Act to repeal sections 143.121 and 143.431, RSMo, and to enact in lieu thereof two new sections relating to nonresident income tax.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 5--Rules, Joint Rules, Resolutions and Ethics.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following escort committee to act with a like committee from the House pursuant to **HCR 3**: Senators Bray, Callahan, Cauthorn, Days, Dolan, Griesheimer, Kennedy, Russell, Scott and Stoll.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 753--Small Business, Insurance and Industrial Relations.

SB 857--Pensions and General Laws.

SB 927--Ways and Means.

SB 929--Small Business, Insurance and Industrial Relations.

SB 953--Commerce and the Environment.

SB 959--Education.

SB 961--Commerce and the Environment.

SB 983--Small Business, Insurance and Industrial Relations.

SB 992--Agriculture, Conservation, Parks and Natural Resources.

SB 1001--Aging, Families, Mental and Public Health.

SB 1010--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1012--Economic Development, Tourism and Local Government.

SB 1013--Aging, Families, Mental and Public Health.

SB 1019--Judiciary and Civil and Criminal Jurisprudence.

SB 1021--Education.

SB 1022--Pensions and General Laws.

SB 1024--Economic Development, Tourism and Local Government.

SB 1026--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1027--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1030--Aging, Families, Mental and Public Health.

SB 1031--Transportation.

SB 1033--Judiciary and Civil and Criminal Jurisprudence.

SB 1034--Economic Development, Tourism and Local Government.

SB 1035--Small Business, Insurance and Industrial Relations.

SB 1036--Small Business, Insurance and Industrial Relations.

SB 1041--Economic Development, Tourism and Local Government.

SB 1042--Commerce and the Environment.

SB 1044--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1045--Pensions and General Laws.

SB 1047--Aging, Families, Mental and Public Health.

SB 1048--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1049--Aging, Families, Mental and Public Health.

SB 1050--Small Business, Insurance and Industrial Relations.

SB 1055--Pensions and General Laws.

SB 1057--Education.

SB 1059--Ways and Means.

SB 1060--Education.

SB 1061--Pensions and General Laws.

SB 1062--Economic Development, Tourism and Local Government.

SB 1063--Transportation.

SB 1064--Judiciary and Civil and Criminal Jurisprudence.

SB 1066--Judiciary and Civil and Criminal Jurisprudence.

SB 1070--Pensions and General Laws.

SB 1071--Aging, Families, Mental and Public Health.

SB 1072--Education.

SB 1073--Education.

SB 1074--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1075--Economic Development, Tourism and Local Government.

SB 1076--Judiciary and Civil and Criminal Jurisprudence.

SB 1077--Small Business, Insurance and Industrial Relations.

SB 1078--Small Business, Insurance and Industrial Relations.

SB 1079--Ways and Means.

SB 1081--Pensions and General Laws.

SB 1082--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1083--Aging, Families, Mental and Public Health.

SB 1085--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1086--Small Business, Insurance and Industrial Relations.

SB 1087--Education.

SB 1088--Transportation.

SB 1091--Education.

SB 1092--Ways and Means.

SB 1093--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1096--Small Business, Insurance and Industrial Relations.

SB 1097--Economic Development, Tourism and Local Government.

SB 1098--Economic Development, Tourism and Local Government.

SB 1099--Ways and Means.

SB 1144--Transportation.

SJR 42--Education.

SJR 44--Transportation.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barry J. Drucker, Republican, 19250 River Ridge Lane, Wildwood, St. Louis County, Missouri 63005, as a member of the State Milk Board, for a term ending September 28, 2005, and until his successor is duly appointed and qualified; vice, Christina Quick, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Erwin P. Gadd, Republican, 2700 Gardenview, Jefferson City, Cole County, Missouri 65109, as a public member of the State Milk Board, for a term ending April 11, 2006, and until his successor is duly appointed and qualified; vice, Jean Grabeel, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judith M. Landvatter, 18532 Melrose Ridge, Wildwood, St. Louis County, Missouri 63038, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until her successor is duly appointed and qualified; vice, Diane Fendya, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

C. Jeanne Loyd, 3733 Liverpool Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council,

for a term ending May 12, 2006, and until her successor is duly appointed and qualified; vice, Ronald Vessell, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen W. Terry, Jr., 802 North Main, Maryville, Nodaway County, Missouri 64468, as student representative of the Northwest Missouri State University Board of Regents, for a term ending May

1, 2005, and until his successor is duly appointed and qualified; vice, Paul G. Klute, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate his son, Daniel, Columbia; and Damon Ferlazzo, Springfield; Ashley Warren, Richland; T. Lockhart, Creve Couer; Steven Sieber, St. Louis; and Chris Sander, Hazelwood.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY-TUESDAY, JANUARY 27, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 943-Goode and Gross

SB 1095-Goode, et al

SB 1100-Gibbons and Gross

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1110-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1122-Shields

SB 1123-Gibbons, et al

SB 1124-Goode and Steelman

SB 1125-Goode

SB 1126-Russell

SB 1127-Cauthorn

SB 1128-Cauthorn

SB 1129-Bray

SB 1130-Scott

SB 1131-Steelman

SB 1132-Steelman, et al

SB 1133-Foster, et al

SB 1134-Foster, et al

SB 1135-Foster, et al

SB 1136-Vogel

SB 1137-Vogel

SB 1138-Bartle

SB 1139-Mathewson

SB 1140-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1145-Kennedy

SB 1146-Dougherty and Griesheimer

SB 1147-Dougherty and Bartle

SB 1148-Dougherty, et al

SB 1149-Dougherty

SB 1150-Goode

SB 1151-Steelman, et al

SB 1152-Steelman

SB 1153-Cauthorn

SB 1154-Cauthorn

SB 1155-Cauthorn

SB 1156-Caskey

SB 1157-Scott

SB 1158-Bray, et al

SB 1159-Foster and Dougherty

SB 1160-Shields, et al

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1164-Jacob, et al

SJR 43-Klindt

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

SENATE BILLS FOR PERFECTION

SB 739-Klindt

SB 732-Gross

SBs 714 & 761-Kinder, et al, with SCS

SB 1000-Bartle RESOLUTIONS

To be Referred

SCR 31-Vogel

SCR 32-Gibbons and Stoll

Journal of the Senate

SECOND REGULAR SESSION

ELEVENTH DAY--TUESDAY, JANUARY 27, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"We know that all things work together for good to them that love God." (Romans 8:28)

Almighty God, we know that You are our source of knowledge and courage and during difficult times You still work with us towards the end You desire we accomplish. So help us be mindful that in the most heated discussions and confusing of times You are in it all pointing to where You wish Your good to happen. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 1194, regarding Joseph Newman, Joplin, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1165-By Russell.

An Act to repeal section 67.2015, RSMo, relating to taxation in any county of the third classification without a township form of government and with more than eight thousand three hundred but less than eight thousand four hundred inhabitants, with an effective date.

SB 1166-By Caskey.

An Act to repeal section 49.272, RSMo, and to enact in lieu thereof one new section relating to civil fines for certain misdemeanors, with penalty provisions.

SB 1167-By Caskey.

An Act to repeal section 557.036, RSMo, and to enact in lieu thereof one new section relating to the role of court and jury in sentencing.

SB 1168-By Jacob.

An Act to repeal sections 402.199, 402.200, 402.205, 402.215, and 402.217, RSMo, and to enact in lieu thereof five new sections relating to the Missouri family trust.

SB 1169-By Jacob.

An Act to amend chapter 213, RSMo, by adding thereto one new section relating to age discrimination.

SB 1170-By Shields.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to the rehabilitation of certain offenders.

SJR 45-By Bartle and Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 14, 15, 16, 17, 19, 20, 21, 25(a), 25(b), 25(c) (2), and 25 (d) of article V of the Constitution of Missouri, and adopting nine new sections in lieu thereof relating to the judiciary.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Quentin C. Wilson, 765 Gabriel Court, Kirkwood, St. Louis County, Missouri 63122, as a member of the Midwestern Higher Education Commission, for a term ending December 29, 2007, and until his successor is duly appointed and qualified; vice, Dr. Kala Stroup, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 31--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SCR 32** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 739** be taken up for perfection, which motion prevailed.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 739, Page 1, Section 640.015, Line 2, by adding "of all Departments and Agencies" after "Rules".

Senator Dougherty moved that the above amendment be adopted, which motion failed.

At the request of Senator Klindt, **SB 739** was placed on the Informal Calendar.

INTRODUCTION OF GUESTS

Senator Jacob introduced to the Senate, coaches and players of the University of Missouri Football Team; Coach Gary Pinkel, Athletic Director Mike Alden, Mark Alnutt, Coach Brian Jones, Coach David Youst, Barry Odom, Alex Grinch, Terrance Curry, Ryan Edwards, Clint Matthews, Russ Bell, Diedric Harrington, Steve Sanchez, Sean Coffey, Cliff Young, Aattiah Ellison, Darius Outlaw, Jason Gannon and Bo Vemen.

Coach Gary Pinkel assumed the dias and addressed the members of the Senate.

Senator Shields assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 739** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 739, Page 2, Section 640.015.2, Lines 21, 24, 27, and 28, by deleting the words "**probable**" from line 21 of page 2 and inserting the word "**anticipated**" in lieu thereof; and

Further amending by deleting the words "**probable**" from line 24 of page 2 and inserting the word "**anticipated**" in lieu thereof; and

Further amending by deleting the words "**probable**" from line 27 of page 2 and inserting the word "**anticipated**" in lieu thereof; and

Further amending by deleting the words "**probable**" from line 28 of page 2 and inserting the word "**anticipated**" in lieu thereof.

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 739, Page 5, Section 640.018, Line 33, by inserting after said line:

"Section 1. 1. If a refund mandated under article X, section 18, of the Missouri Constitution from the following funds:

(1) The water and wastewater loan fund established pursuant to section 644.122, RSMo;

(2) The water pollution permit fee subaccount of the natural resources protection fund established in section 640.220;

(3) The water and wastewater loan revolving funds; or

(4) Any fund established by the office of administration for the sole purpose of receiving and distributing state match bond proceeds for the department of natural resources' state revolving fund programs established pursuant to the federal Clean Water Act, the federal Safe Drinking Water Act, or any federal regulation authorized under either federal act; would violate the federal Clean Water Act, the federal Safe Drinking Water Act, or any federal regulation authorized under either federal act, the department of natural resources shall identify an equal amount from other funds appropriated to the department.

2. The commissioner of administration shall transfer the funds identified by the department, that would otherwise be transferred from the funds identified in subsection 1 of this section, to the state general revenue fund for any refund that occurs after August 28, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 739, Page 3, Section 640.015, Line 54, by inserting immediately after the word "data" the following: "**or when the peer-reviewed data is not reasonably available, a written explanation shall be filed at the time of the rule promulgation notice explaining why the peer-reviewed data was not available to support the regulation. If the peer-reviewed data is not available, the department must provide all scientific references and the types, amount, and sources of scientific information that was used to develop the rule at the time of the rule promulgation notice**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 739, Page 1, Section 640.015, Line 18, by striking all of said line; and

Further amend said bill and section, page 2, lines 19-20, by striking all of said lines; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Coleman offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 739, Page 2, Section 640.015, Lines 36-37, by striking all of said lines; and further amend said section by renumbering the remaining subdivisions accordingly.

Senator Coleman moved that the above amendment be adopted, which motion failed.

Senator Klindt moved that **SB 739**, as amended, be perfected.

Senator Bray requested a roll call vote be taken on the perfection of **SB 739**, as amended, and was joined in her request by Senators Coleman, Bland, Days and Jacob.

SB 739, as amended, was declared perfected and ordered printed, by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Childers	Clemens	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Quick
Stoll	Wheeler--10		
Absent--Senators			
Champion	Dolan--2		
Absent with leave--Senators--None			

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mariann Burnetti Atwell, 1006 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2006, and until her successor is duly appointed and qualified; vice, Stephen Barr, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gail McCann Beatty, Democrat, 6012 Woodland, Kansas City, Jackson County, Missouri 64110, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2006, and until her successor is duly appointed and qualified; vice, David Millin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christi Anne Checkett, Republican, 1625 Morgan Drive, Imperial, Jefferson County, Missouri 63052, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2009, and until her successor is duly appointed and qualified; vice, Marion G. Cairns, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lorna R. Cockrum, Democrat, 335 Redwood Drive, New Bloomfield, Callaway County, Missouri 65063, as a member of the Missouri Community Service Commission, for a term ending December 16, 2006, and until her successor is duly appointed and qualified; vice, Paula Lynette Stringer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Andrew E. Gray, Jr., 701 Poplar #3, Lamar, Barton County, Missouri 64759, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2006, and until his successor is duly appointed and qualified; vice, Eddie Brown, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vicki L. Groce, 106 W. Market, Savannah, Andrew County, Missouri 64485, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wallace N. Patrick, 3701 Wheatridge Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, Randall Davis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1171-By Griesheimer, Caskey, Gross, Steelman and Wheeler.

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof twelve new sections relating to homeland security, with an emergency clause.

SB 1172-By Gibbons, Kennedy, Days, Loudon, Goode, Dougherty, Coleman and Yeckel.

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to the preservation of public records.

INTRODUCTIONS OF GUESTS

On behalf of Senator Shields, the President introduced to the Senate, Commander Paul Carrill, Platte City.

Senator Cauthorn introduced to the Senate, Kari Willhite, Jacksonville, Illinois.

Senator Yeckel introduced to the Senate, David Frederick, St. Charles.

Senator Clemens introduced to the Senate, Stan Melton and Cindy McCall, Fremont Hills.

Senator Coleman introduced to the Senate, Kim Rutherford, Brentwood; Brian Kelly, St. Louis; and Kenny Wilson, Festus.

On motion of Senate Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY-WEDNESDAY, JANUARY 28, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 943-Goode and Gross

SB 1095-Goode, et al

SB 1100-Gibbons and Gross

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1110-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1122-Shields

SB 1123-Gibbons, et al

SB 1124-Goode and Steelman

SB 1125-Goode

SB 1126-Russell

SB 1127-Cauthorn

SB 1128-Cauthorn

SB 1129-Bray

SB 1130-Scott

SB 1131-Steelman

SB 1132-Steelman, et al

SB 1133-Foster, et al

SB 1134-Foster, et al

SB 1135-Foster, et al

SB 1136-Vogel

SB 1137-Vogel

SB 1138-Bartle

SB 1139-Mathewson

SB 1140-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1145-Kennedy

SB 1146-Dougherty and Griesheimer

SB 1147-Dougherty and Bartle

SB 1148-Dougherty, et al

SB 1149-Dougherty

SB 1150-Goode

SB 1151-Steelman, et al

SB 1152-Steelman

SB 1153-Cauthorn

SB 1154-Cauthorn and Wheeler

SB 1155-Cauthorn

SB 1156-Caskey

SB 1157-Scott

SB 1158-Bray, et al

SB 1159-Foster and Dougherty

SB 1160-Shields, et al

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1164-Jacob, et al

SB 1165-Russell

SB 1166-Caskey

SB 1167-Caskey

SB 1168-Jacob

SB 1169-Jacob

SB 1170-Shields

SB 1171-Griesheimer, et al

SB 1172-Gibbons, et al

SJR 43-Klindt

SJR 45-Bartle and Gross

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

SENATE BILLS FOR PERFECTION

SB 732-Gross

SBs 714 & 761-Kinder, et al, with SCS

SB 1000-Bartle

Journal of the Senate

SECOND REGULAR SESSION

TWELFTH DAY--WEDNESDAY, JANUARY 28, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The human mind plans the way, but the Lord directs the steps." (Proverbs 16:9)

Gracious Lord, help us, we pray, in our discernment and grant us wisdom to make insightful decisions that will get us to where you direct us. And Lord we pray for our doorkeeper Fred Fischer, and particularly his wife who had a stroke last night. Touch them with Your healing power and bring them health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1195, regarding Jim Groh, Peculiar, which was adopted.

Senator Bartle offered Senate Resolution No. 1196, regarding Barry Teghtmeyer, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1197, regarding Janet Richards, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1198, regarding Tonya Landes, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1199, regarding Carol Dunn, Lee's Summit, which was adopted.

Senator Loudon offered Senate Resolution No. 1200, regarding Phyllis Rae Pasley, Maryland Heights, which was adopted.

Senator Loudon offered Senate Resolution No. 1201, regarding Deborah Shannon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1202, regarding Tara Shaw Sparks, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 3**. Representatives: Pearce, Smith (14), Munzlinger, Dethrow, Angst, Ruestman, Kuessner, Henke, Hubbard and LeVota.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of Transportation address. Representatives: Byrd, Dempsey, Quinn, Shoemaker, Smith (118), Self, Darrough, Sager, Thompson and Swinger.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Earl Wilson, Jr., Democrat, 1115 North 11th Street, St. Louis City, Missouri 63117, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, John Bass, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment and the appointments appearing on Pages 166 and 167 of the Senate Journal for Tuesday, January 27, 2004, to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1173-By Days, Bland and Dougherty.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit scores by insurance companies.

SB 1174-By Caskey.

An Act to amend chapter 215, RSMo, by adding thereto one new section relating to the abolishment of the Missouri housing development commission.

Senator Gibbons moved that the Senate recess to repair to the House of Representatives to receive a message from Mr. Henry Hungerbeeler, Director of the Missouri Department of Transportation, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
Absent--Senators			
Champion	Gross	Jacob	Quick--4
Absent with leave--Senator Clemens-- 1			

On roll call the following Representatives were present:

Present--Representatives			
Abel	Angst	Baker	Barnitz
Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough
Boykins	Bringer	Brown	Bruns
Burnett	Byrd	Campbell	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Davis 19	Deeken
Dempsey	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Engler	Ervin
Fares	Fraser	George	Goodman
Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard
Hunter	Icet	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly

Kelly 144	Kelly 36	Kingery	Kratky
Kuessner	Lager	Lembke	LeVota
Liese	Lipke	Lowe	Luetkemeyer
Marsh	May	McKenna	Meiners
Miller	Moore	Morris	Muckler
Munzlinger	Myers	Nieves	Parker
Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander
Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland
Swinger	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt
Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger
Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Yaeger	Yates
Young	Zweifel-- 146		
	Absent and Absent with Leave--Representatives		
Avery	Brooks	Carnahan	Donnelly
El-Amin	Graham	Jones	King
Lawson	Mayer	Page	Shoemaker
Wagner	Willoughby	Wright	Madam Speaker-- 16
	Vacancies-- 1		

The Joint Committee appointed to wait upon the Director of Transportation, Henry Hungerbeeler, escorted him to the dais where he delivered the State of Transportation Address to the Joint Assembly:

Henry Hungerbeeler

State of Transportation Address

January 28, 2004

Governor Holden, Governor Maxwell, Speaker Hanaway, President Pro Tem Kinder, Distinguished State Officials, Chief Justice White, Honored Members of the Missouri Supreme Court, Members of the 92nd General Assembly, Members of the Missouri Highways and Transportation Commission, MoDOT Employees and Citizens of Missouri:

It is my great honor to stand before you today on this historic occasion. Searching as far back as House and Senate journals have been printed, which is about 70 years, we have been able to identify no other director of a state agency given the humbling opportunity to address a joint session of the Missouri General Assembly.

I thank you for allowing me to come before this esteemed body and address the important issue of our transportation system.

While most people think of MoDOT as dealing primarily with roads and bridges, we are a full-service department of transportation, and must address our responsibilities to all of our citizens. Therefore, we deal with public transportation, aviation, port development, and both freight and passenger railway service.

And in each of those areas and others for which we are responsible, we see the need for more resources to provide the mobility our citizens need.

As we work together to address our transportation challenges, we should keep three broad principles in mind: ---- Soundness, Safety and Support.

Soundness

The soundness of your transportation system has been called into question, as has the soundness of your department of transportation.

Distinguished ladies and gentleman, the state of Missouri's transportation system is sound, but not as sound as it needs to be.

Many of our highways are in poor condition...too narrow, or too hilly, or too curving, or have no shoulders, and for safety and economic development we need to make more highways four lanes. At the same time, bridges that are one step away from being closed, what we call condition three bridges, are becoming unusable faster than we can get money to replace them.

Many citizens sit in long lines during rush hour traffic, wasting both time and money.

Court mandated low flows on our rivers are impacting the movement of water-borne commerce, causing more trucks on highways and a higher transportation cost for farmers.

MoDOT administers state and federal funds for 37 public transportation agencies and 200 specialized programs for the elderly and disabled, but we have a significant need to offer more public transportation options in our large cities and rural areas alike.

Unfortunately, those transportation areas funded from state general revenue have been cut 37% since 2002. The result is more than 1.8 million fewer transit trips and the elimination of our port improvement program. The truth is Missouri has not provided the funding necessary to adequately address most of these other modal needs or the larger dollar requirements to repair and rehabilitate highways and bridges while simultaneously constructing much-needed highway projects for economic development and congestion relief.

Our funding situation is dramatically demonstrated by the fact that 25 years ago, 17 percent of Missouri's state budget went to transportation. Now only 7.5 percent of state spending goes toward vital improvements to our highways, bridges, transit services, and other modes of transportation.

Interestingly, if our transportation budget had grown at the same rate as the rest of state government, our system today would be in outstanding condition, and long ago we would have completed projects that people are still waiting for us to schedule.

Though I believe inadequate funding is our biggest problem, I do not come before you today with a specific funding proposal. I am here to present the facts about transportation in Missouri so that state elected officials, working in conjunction with MoDOT and the citizens of this great state, can decide how best to address our inadequate transportation system.

This body has already done much to address the problem, passing legislation dealing with accountability, MoDOT leadership, commission governance, and other issues. MoDOT and the Commission have also made changes.

The Missouri Highways and Transportation Commission has provided a better balance in our spending by shifting more adequate funding to taking better care of the existing system. A year ago the commission changed the funding allocation method to a more objective process that allocates funds to various areas of the state and various categories of spending based on such objective factors as pavement condition, vehicle miles traveled, population, employment, etc.

Changing our method of allocating funds was a wise decision. Nevertheless, we are keenly aware that the state of our transportation system is still not as sound as it needs to be.

The state of your Department of Transportation, however, is sound...not perfect by any means... but good.

An independent Blue Ribbon Panel appointed by the Missouri Highways and Transportation Commission recently recommended that a clear message must be sent indicating, "A new day has dawned at MoDOT." I believe that the new day is well on its way.

Although the department had problems with financial estimates in the past, MoDOT has now established a solid record of sound fiscal practices.

We have reduced staff by approximately 300 people over the last three years. Less than three percent of our budget goes toward administrative costs while we spend 73 percent on construction including building new highways and taking better care of existing roadways. Please note that if our budget were more adequate, that percentage for administrative costs would be even lower, and the percentage spent on construction would be even higher.

We have saved \$53 million over the last three years by streamlining our operations and we expect to save another \$21 million this year. We also saved millions last year by coming within a fraction of a percent on our highway construction cost estimates. Those savings were directed back into building and maintaining highways.

Part of our efficiency comes from our constitutional form of governance... the bipartisan watchdog group of citizens who oversee us. As you know, the Missouri Highways and Transportation Commission is made up of unpaid citizen volunteers who are among the leading members of their communities. Commissioners are appointed by the governor with approval of the Senate and they conduct business in full view of taxpayers.

This system of transportation oversight and decision-making by members of the public has served the people of Missouri well for more than 80 years by limiting political influence and parochialism in transportation decision-making, and it has become more open to public involvement in recent years than ever before in our history. We should keep the Missouri Highways and Transportation Commission in its current form.

Members of the Commission are here today and will be available in the rotunda following this speech to answer your questions. I applaud their unselfish service to this state and their commitment to providing all Missourians with better transportation options.

MoDOT is scrupulously held accountable through numerous audits each year. The State Auditor reviews our operations on an ongoing basis, as do our internal auditors. Additionally, an independent firm audits us annually. In 2003, they gave MoDOT their highest rating for the fourth straight year and said our financial practices are "as good as it gets."

At the same time, MoDOT employs an inspector general to root out fraud, waste, and abuse and objectively investigate grievances independent of management. An external inspector general position was created by the state legislature last year, and we look forward to working closely with that person. Additionally, we are accountable to the Senate and House Transportation Committees and the Joint Committee on Transportation Oversight. Plus, the Senate Appropriations Committee and House Budget Committee review MoDOT each year.

Most importantly, we are, and want to be, accountable to the people of Missouri. Whether at the ballot box, on the phone, at their computers or attending one of the hundreds of public meetings we hold each year, the citizens of this state have direct input into what we do. We have pledged to listen to them and we are fulfilling that pledge.

We have embarked on a new project planning process that will permit even more public involvement in transportation decisions than ever before. No longer will MoDOT alone make project decisions and inform citizens after the fact. We are committed to having local representatives at the table from the beginning to the end.

MoDOT's construction and maintenance practices are also sound.

In 2003, we completed 268 construction projects, all of which, taken together, were within two percent of cost estimates. This record is part of a four-year trend during which your department of transportation completed projects at a cost that came within one-third of one percent of the estimated cost on a program that totaled more than \$2 billion. In other words, for the last four fiscal years, we have told you in advance what we were going to do...and we have done it.

Others have confirmed the soundness of our construction practices. The Federal Highway Administration has labeled MoDOT as one of the best transportation agencies among all 50 states at delivering promised highway and bridge improvements at the promised price to taxpayers.

Citizens tell us good visibility on highways is very important to them. They especially want to see highway stripes. We listened, and took action. In 2003, we quietly promised to paint centerline stripes on all roads, and paint edge lines on more roads. We delivered on that promise by putting down 82,000 miles of stripes last year. That's an increase of 13,000 miles.

Our improvements, however, are not limited to highways. In the last 18 months, MoDOT improved aviation safety by installing nine Automated Weather Observation Systems to provide accurate and real time weather information to pilots. Four more are currently under construction.

Our state aviation improvement program is funded through dedicated aviation fuel tax revenue, which is down over 25% since 9-11. Despite the funding decrease, MoDOT was able to install additional navigational aids or make runway pavement improvements at nine Missouri airports.

That is a sound record of significant accomplishment, and much of it is in direct response to concerns citizens have expressed to us.

In addition, MoDOT is sound in its commitment to inclusiveness.

MoDOT has been cited as a leader in state government regarding the award of contracts to Minority- and Women-owned Businesses. Between 1996 and 2002, the department awarded nearly half a billion dollars in contracts to disadvantaged business enterprises. In 2002, MoDOT contracts with these businesses amounted to approximately 73 million dollars, almost twice as much as in 1996. We are committed to doing even better.

At the same time, we are aggressively leading efforts to increase the number of minorities, females and underemployed and low-income individuals entering the construction industry on which this department is so heavily dependent. We are extremely proud of our active involvement in the St. Louis Construction Prep Center that is preparing members of these groups to succeed in the construction field through training for the work place and for life. Graduates of the center are actively sought out by the construction industry due to the excellent training it provides.

I am honored to have a graduate of the center, Mr. Tyrone Gibbs, here today. With Mr. Gibbs' permission, let me tell you a little bit about him. Mr. Gibbs grew up in three different foster homes and three different boys' homes. He spent 12 years on the streets, which resulted in his being incarcerated on three different occasions. Just one week after his last stint in the state penitentiary, Mr. Gibbs got the news that would change his life. He was accepted to the Construction Prep Center.

Second only to his wife, Barbara, Mr. Gibbs credits the Construction Prep Center with keeping him from continuing down the wrong path in life. Mr. Gibbs' "No Day Off, No Lay Off" attitude allowed him to work 40 hours per week at the center and another 50 hours supporting his family. It also allowed him to advance quickly.

He is now a crew chief -- one of only three African-American foremen out of hundreds of carpenters where he works. He hopes to have his own construction company some day. Mr. Gibbs is what the Construction Prep Center is all about. Tyrone and Barbara Gibbs... please stand up and get the recognition you both deserve.

The state of your MoDOT is sound and that is due primarily to one thing - our outstanding workforce. I was proud to serve my country in the United States Air Force for more than 30 years. I can say unequivocally, however, that I have never had the honor to serve with a harder-working, more dedicated group of people than I have at MoDOT.

Throughout our great state, your friends, family and neighbors who work for MoDOT get up early everyday proudly striving for a better, safer transportation system for all Missourians. They toil with limited resources, yet they deliver on the promises we have made to taxpayers.

I am proud to work with "everyday heroes" at MoDOT, some of whom put their lives on the line everyday.

Bill Pappademos (Papa-DEE-mus) works for MoDOT's Motorist Assist service in St. Louis, a service that cost effectively helps to reduce congestion. On December 8 of last year, Bill looked in his rearview mirror and noticed a vehicle rolling over several times behind him. He carefully stopped and backed up and discovered that the driver, an off-duty police officer, had been thrown from his car and was lying in one of the traffic lanes. Bill placed himself between the seriously injured officer and on coming traffic to protect him until emergency responders could arrive.

When a record number of tornadoes ripped through southwest Missouri in 2003, our employees reacted without hesitation. Maintenance crews from Bolivar in our District 8 region gathered quickly and headed to Stockton, which is in District 7, the night of May 4 following one of the most devastating tornadoes our state has ever experienced. They pulled trees and debris out of the road to allow emergency crews to access victims and to allow motorists to use our highways safely.

We also responded to the human needs of our neighbors during this challenging time. Garland DeWitt, a MoDOT maintenance specialist in Ozark, was working north of Cleaver when he discovered a series of personal items. He recovered family photos, cups from a silver tea set and clothing items for a family who lost a loved one and their home in the storm. This was a priceless discovery for that family.

Heroes also work in the offices of MoDOT. Rebecca Jackson, a MoDOT General Services Manager here in Jefferson City, led efforts to develop a new purchasing method for the department. Her innovative and diligent efforts have saved time and countless taxpayer dollars. This great achievement recently earned her the Distinguished Service Award from the Missouri Association of Public Purchasing.

Bill, Garland, and Rebecca are here today. I would like to ask them to stand.

I am so proud to be associated with folks like Bill, Garland and Rebecca. They are typical of everyday heroes who work throughout the Missouri Department of Transportation. Whether they are helping a customer on the phone, clearing snow from our highways, finding ways to save money or risking their life for an injured motorist, MoDOT employees consistently answer the call of duty. Their commitment is sound.

There is one final "everyday hero" I personally could not live without and want you to meet...the "first lady" in my life...my lovely wife, Anne. Her commitment is sound.

Tragically, 68 MoDOT employees have given their lives since 1945 fulfilling their call to duty. Our most recent loss was just a few months ago. On September 30, 2003, Karla Baublitz, a maintenance worker, was repairing mowing equipment several feet from a roadway in Joplin when a driver fell asleep, ran off the road and struck her.

Karla was hard working and well liked by her colleagues. She was dedicated to her MoDOT family, but she couldn't wait to get home to her own family, which included three children.

MoDOT employees have difficult, sometimes dangerous, jobs and face many challenges. Yet they persevere together in cooperation with the customers they serve, local citizens and our elected officials. I have started to see the positive effects of their determination.

In every county of this state, the good work of MoDOT professionals is turning the tide of public opinion.

Last year, MoDOT officials again embarked on a listening tour of Missouri. We visited cities and towns throughout this beautiful state and heard a familiar refrain, "we love our local MoDOT". The praise for our district employees and the district engineers who lead them was profuse. And they frequently helped make the point that all of us in MoDOT are on the same team. Those district engineers are here today. You know them and they are at your service. They, too, will be available in the rotunda to answer questions about transportation in their areas.

As we traveled the state late last year, people said that the MoDOT they know is open to their inquiries and responsive to their concerns. While members of the public don't always get the answers they want, they do get answers in a timely and courteous way.

They also get results. MoDOT employees are dedicated to finding ways to say "yes" more often and to ending the perception that we automatically say "no." While we sometimes have a professional responsibility to say "no", we are working very hard on saying "yes".

Ladies and gentlemen, we are your neighborhood MoDOT. We care about the safety of the people who use our state highways. We care about the elderly and disabled who rely on the transit services we administer. **And we care about providing reliable options in all modes of transportation.**

We realize, however, that we are not perfect and we must constantly strive to improve the way we do business and build credibility with the public. With this thought always at the forefront of our minds, we are taking steps to further improve our effectiveness as an organization.

We are seeking to measure our progress toward goals such as reducing injury and fatal crash rates; increasing the number of highways in good or better condition; reducing the percentage of deficient bridges; alleviating congestion in St. Louis and Kansas City; and avoiding depreciation in the value of our highway system.

We are also measuring the percentage of highway and bridge construction commitments we are meeting within budget, on time and as promised in our 5-year plan. We have high standards in these areas and even higher expectations for meeting our commitments.

All of the goals I have outlined are imperative to rebuilding confidence in MoDOT. We must be diligent in tracking our progress toward them and ultimately achieving them. That will be a sound investment in our future.

Safety

Earlier I mentioned three broad areas for discussion today - soundness, safety and support. Though I've spoken of "soundness" first, safety is the foundation principle we seek in every department activity. It is MoDOT's number one objective. We are constantly exploring ways to make our highways and other transportation services safer for everyone. We have instituted better work zone guidelines to limit the number of crashes in highway construction areas. We emphasize internal safety practices to keep our employees and customers safe. And now we, with safety partners such as the Highway Patrol and many others, are developing Missouri's first Comprehensive Highway Safety Plan.

Too many people are dying on Missouri's roads. Over the past three years we have lost 3,463 Missourians to traffic accidents. That averages out to 1,154 per year. If we lost that many people in airplane crashes, it would be totally unacceptable. We need that same level of concern regarding the unacceptable number of motorists who don't make it to their destinations safely.

Working with our transportation partners, we will seek to channel the heartache of past traffic accidents into a safety plan that prevents pain and tears in the future. Our goal is to reduce the number of fatalities on our roads significantly by the end of 2008. Failing to meet this objective is not an option. **We can do it together. It's a goal we can and must reach!**

In order to reduce roadway deaths appreciably each year, we will need the help of our friends in highway safety. Cooperation is vital to achieving our goal of saving more motorists' lives.

By this summer, Missouri will have a Comprehensive Highway Safety Plan that focuses on the four "Es" - Engineering, Enforcement, Education, and Emergency services. The plan will outline ways to engineer safer roads, to better enforce vital traffic laws, to educate the public about how they can operate vehicles more safely, and to improve the emergency services that respond to traffic crashes.

The lives of those who use our highways are too precious to not act. Safety must be a priority and your support is essential to achieving our safety goals.

Support

Your MoDOT is poised to make great strides toward improving the soundness and safety of the transportation system of this state, but we need the **support** of the governor, statewide officials, the General Assembly and every citizen of Missouri to move toward better highways, bridges and public transportation options.

We need your support to end the diversion of fuel tax funds to purposes other than building and maintaining state highways and bridges, and enforcing the laws relating to them. The people of Missouri pay fuel taxes as well as other taxes, licensing charges and fees with the expectation that their hard-earned money is going toward highway improvements and traffic enforcement, and that's what the public wants the money to go for.

We understand the fiscal constraints the state is in, but reducing diversions is a course we must all pursue.

It will take an act of this state legislature and perhaps a statewide vote of the people of Missouri to end some of these diversions, but I repeat... **it is a course we must pursue**. The vital functions of other state agencies should be funded through sources outside of transportation dollars. Missourians expect highway revenues to go toward improving our highway system and that is where they should be used.

Another initiative we could take to address our extensive highway needs is utilizing toll roads to a limited extent. This too would require action by the General Assembly and statewide voter approval.

Many people fear that giving MoDOT the authority to use tolls will mean a tollbooth on every street corner. I can assure you that will not happen. In actuality, it would be feasible to place tolls on only a few major projects in Missouri. Legislation already filed lists only six specific projects. Those projects are certainly subject to debate. They have not yet been approved by anyone. But in every case, they are projects that are not currently funded and may never exist without some additional form of substantial revenue. Tolling should be a tool in Missouri's transportation toolbox. It will not solve our funding problems, but it will be another step toward meeting our highway needs.

Tolling could help us provide sounder, safer highways, but highway safety is also the responsibility of each of us who set foot in a motor vehicle. Therefore, it is imperative that we enact legislation to encourage safer conduct when driving or when a passenger in a vehicle on our state's roads. The unsafe conduct of a few imposes enormous suffering and costs on the rest of us.

Two safety-related issues, banning open containers of alcohol in vehicles and passing and enforcing a primary seat belt law, will save lives and money and won't cost us a cent. Not only does it make sense to ban open containers from vehicles, but also it would end the mandatory diversion of three percent of our federal highway construction funds to other purposes.

We must also pass a primary seat belt law. That means enacting a measure allowing law enforcement officers to pull people over and ticket them solely for not wearing a safety belt. The United States Department of Transportation estimates that if seat belt usage were to increase from 75 percent to 90 percent, 4,000 lives would be saved nationally each year. No state has ever approached that usage level, however, without a primary seat belt law. One loss of life is too high a price to pay. We must act and give new meaning to the phrase "click it or ticket."

There is a clear humanitarian incentive to save lives through a primary safety belt law. At the same time, an additional financial incentive may come from the federal government. Every version of the federal transportation reauthorization bill currently being considered in Congress recognizes the enormous costs to society of traffic crashes, and therefore contains financial incentives for enacting primary safety belt laws. Missouri could miss out on millions of additional dollars for our highways, if we do not act.

MoDOT has been working closely with Missouri's congressional delegation for more than a year to ensure that our state's share of federal transportation funds increases during the reauthorization process underway. We are encouraged by the funding levels in federal legislation being discussed that could hold the promise of about \$233 million more per year for transportation in Missouri over the next six years.

All funds received from the federal government for highway purposes, however, must be matched at a 20 percent rate with state funds. It is imperative that we make sure we have enough state funding to avoid losing a dollar of federal funds. Additional state revenue will have to be identified.

We are aware of the severe funds shortage in state government, but it is time to make constructive plans for the critical transportation needs of this state. We cannot leave our transportation system in worse shape than we found it and pass our problems on to our children and grandchildren. We must act now to provide for safer, smoother highways, better bridges and expanded public transportation options.

We in MoDOT will soon be coming to the citizens of Missouri with pleas to help us update the vision for transportation that all of us should share. As we update our long-range transportation plan, we must be guided by the needs that citizens feel and the opportunities our state's geographic location present to us.

As most of you know, my days with MoDOT are coming to a close. When I began this job, I was a newcomer to Missouri. Over the past five years, this great state has become my home and many of you have become my friends. I have come to believe certain things very passionately.

I believe that the employees of MoDOT are well-meaning, committed public servants and they want nothing more than to provide Missourians with the world-class transportation system they deserve.

I believe that our state and federal elected officials are dedicated to improving the lives of all Missourians and will not rest until steps are taken to

dramatically improve transportation in this state.

And I believe in the people of this great state. I have quoted several numbers regarding the needs of our transportation system and various funding facts. Transportation, however, is not about numbers. It is about people.

It is about the mothers and fathers who drive to work each morning and the sons and daughters who count on them to return home safely every evening. It is about grandparents who rely on OATS buses to get to the grocery store and to the health care services they need. It is about children on school buses, walking on sidewalks or riding their bikes. It is about safety, jobs, commerce, security, recreation and all the other factors that contribute to a high quality of life.

These reasons are why I believe so strongly that we must improve our transportation system for all Missourians. And the people of this state are why I believe we can do it. Missourians personify the show-me spirit of our state and, when it comes to transportation, they have said, "If you don't show us, we will show you."

The citizens of Kirksville overwhelmingly voted to increase their local taxes to help pay for a four-lane highway that will be completed in 2005. Hollister, a town of 2,600 people, is contributing \$6.5 million to help us build an interchange. High school students in Canton lost friends in traffic accidents and resolved to do all they could to keep it from happening to someone else. Concerned citizens in O'Fallon, Poplar Bluff, St. Roberts, Washington, Hannibal, Lebanon, Springfield and countless other communities are stepping forward to say, "How can we help build the highway projects that we so desperately need?"

It is this can-do attitude that makes me believe in the people of Missouri. And I believe that, if we all work together, then we will truly witness a new day dawning on Missouri's transportation horizon. Let's make it happen in this capitol, at the ballot box and on every highway and byway of this great state. The **soundness** of our transportation system and the **safety** of our citizens depend on the **support** we give each other.

Thank you and may God bless your travels.

On motion of Senator Gibbons, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Shields.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 739**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SB 739** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

At the request of Senator Gross, **SB 732** was placed on the Informal Calendar.

Senator Kinder moved that **SB 714** and **SB 761**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 714** and **761**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 714 and 761

An Act to repeal sections 174.020 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to names of state colleges.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 714** and **761** be adopted.

Senator Kinder offered **SS** for **SCS** for **SBs 714** and **761**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 714 and 761

An Act to repeal sections 174.020 and 174.450, RSMo, and to enact in lieu thereof three new sections relating to names of state colleges.

Senator Kinder moved that **SS** for **SCS** for **SBs 714** and **761** be adopted.

Senator Jacob offered **SS** for **SS** for **SCS** for **SBs 714** and **761**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 714 and 761

An Act relating to names of state colleges.

Senator Jacob moved that **SS** for **SS** for **SCS** for **SBs 714** and **761** be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
Absent--Senators			
Coleman	Dolan	Klindt	Mathewson
Quick--5			
Absent with leave--Senators			
Days	Dougherty--2		

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler

Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	Absent--Senators		
Coleman	Dolan	Klindt	Quick--4
	Absent with leave--Senators		
Days	Dougherty--2		

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Dolan	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Shields
Steelman	Vogel	Wheeler	Yeckel--24
	Absent--Senators		
Clemens	Coleman	Goode	Klindt
Quick	Russell	Scott	Stoll--8
	Absent with leave--Senators		
Days	Dougherty--2		

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Nodler	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--25			
	Absent--Senators		
Childers	Coleman	Klindt	Mathewson
Quick	Russell	Stoll--7	
	Absent with leave--Senators		
Days	Dougherty--2		

Senator Bartle assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Russell	Shields	Steelman	Vogel
Wheeler	Yeckel--26		
	Absent--Senators		

Dolan	Goode	Klindt	Quick
Scott	Stoll--6		
	Absent with leave--Senators		
Days	Dougherty--2		

Senator Shields assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bray	Callahan	Caskey
Champion	Childers	Clemens	Coleman
Foster	Gibbons	Griesheimer	Gross
Jacob	Kinder	Loudon	Mathewson
Nodler	Quick	Shields	Steelman
Vogel	Wheeler	Yeckel--23	
	Absent--Senators		
Bland	Cauthorn	Dolan	Goode
Kennedy	Klindt	Russell	Scott
Stoll--9			
	Absent with leave--Senators		
Days	Dougherty--2		

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Nodler
Quick	Shields	Steelman	Wheeler--20
	Absent--Senators		
Bland	Coleman	Dolan	Goode
Klindt	Loudon	Mathewson	Russell
Scott	Stoll	Vogel	Yeckel--12
	Absent with leave--Senators		
Days	Dougherty--2		

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Shields	Steelman	Vogel	Wheeler--24
	Absent--Senators		
Bland	Dolan	Goode	Klindt
Mathewson	Scott	Stoll	Yeckel--8
	Absent with leave--Senators		

Days Dougherty--2

Senator Jacob moved that **SS** for **SS** for **SCS** for **SBs 714** and **761** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Gibbons, Kinder and Nodler.

SS for **SS** for **SCS** for **SBs 714** and **761** failed of adoption by the following vote:

YEAS--Senators			
Coleman	Goode	Jacob	Mathewson
Wheeler--5			
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
Absent--Senators			
Bland	Bray	Dolan	Quick--4
Absent with leave--Senators			
Days	Dougherty--2		

Senator Jacob offered **SS No. 2** for **SS** for **SCS** for **SBs 714** and **761**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 714 and 761

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to names of state colleges.

Senator Jacob moved that **SS No. 2** for **SS** for **SCS** for **SBs 714** and **761** be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
Absent--Senators			
Bland	Cauthorn	Coleman	Dolan
Goode	Quick--6		
Absent with leave--Senators			
Days	Dougherty--2		

Senator Jacob requested a roll call vote be taken on the adoption of **SS No. 2** for **SS** for **SCS** for **SBs 714** and **761**. He was joined in his request by Senators Bray, Callahan, Kennedy and Wheeler.

SS No. 2 for **SS** for **SCS** for **SBs 714** and **761** failed of adoption by the following vote:

YEAS--Senators			
Bray	Goode	Jacob	Wheeler--4
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
Absent--Senators			
Bland	Coleman	Dolan	Quick--4
Absent with leave--Senators			
Days	Dougherty--2		

Senator Jacob offered **SS No. 3** for **SS** for **SCS** for **SBs 714** and **761**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 714 and 761

An Act to repeal sections 172.035, 174.020, and 174.450, RSMo, and to enact in lieu thereof four new sections relating to names of state colleges.

Senator Jacob moved that **SS No. 3** for **SS** for **SCS** for **SBs 714** and **761** be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
Absent--Senators			
Coleman	Dolan	Klindt	Mathewson
Quick--5			
Absent with leave--Senators			
Days	Dougherty--2		

Senator Jacob requested a roll call vote be taken on the adoption of **SS No. 3** for **SS** for **SCS** for **SBs 714** and **761**. He was joined in his request by Senators Bland, Kennedy, Kinder and Wheeler.

SS No. 3 for SS for SCS for SBs 714 and 761 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Goode
Jacob--5			
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--24
Absent--Senators			
Dolan	Mathewson	Quick--3	
Absent with leave--Senators			
Days	Dougherty--2		

SS for SCS for SBs 714 and 761 was again taken up.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 4, Section 1, Line 14, by inserting after all of said line the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2004, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 3, Section 174.450, Line 23, by inserting after all of said line the following:

"174.800. 1. As used in this section, the following terms shall mean:

(1) Qualifying student: A Missouri resident who is an undergraduate student enrolled in a qualifying institution after the 2003-2004 academic year.

(2) Qualifying institution: An institution of higher education in Missouri that receives any state funds whatsoever including, but not be limited to, the institution located in Springfield renamed by this act.

2. Except as provided in subsection 3 of this section, during the four continuous academic years next following a

qualifying student's initial enrollment at a qualifying institution, the tuition charged to a qualifying student shall not exceed the amount that the qualifying student was charged at the time the qualifying student first enrolled in the qualifying institution.

3. The tuition charged to a qualifying student enrolled in a degree program that requires more than four years to complete shall not exceed the amount that was charged at the time the qualifying student first enrolled in the qualifying institution for the customary time required to complete the degree program. The customary time required to complete a degree program shall be defined by the qualifying institution offering the program. If the qualifying student changes majors during the time period referred to in this or subsection 2 of this section, the tuition charged to the qualifying student shall equal the amount the qualifying student would have been assessed had the qualifying student been admitted to the changed major program when the qualifying student first enrolled in the qualifying institution."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Caskey, Stoll and Wheeler.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Foster	Goode	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
Absent--Senators--None			
Absent with leave--Senators			
Days	Dougherty--2		

Senator Caskey offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 7 of said page, by striking "Central Missouri State"; and further amend line 8 of said page, by inserting immediately after "University" the following: "**of Central Missouri**"; and

Further amend said bill, Page 2, Section 174.450, Line 19 of said page, by striking "Central Missouri State" and further amend said line by inserting immediately after "University" the following: "**of Central Missouri**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Lines 9 and 10, by striking "Southeast Missouri State University" and inserting in lieu thereof the following: "**Eastern**".

Missouri University"; and

Further amend said bill, Page 2, Section 174.450, Line 19, by inserting after "board of" the following: "**Eastern Missouri University**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kennedy, Kinder, Russell and Stoll.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Jacob
Quick--5			
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
Absent--Senator Dolan--1			
Absent with leave--Senators			
Days	Dougherty--2		

Senator Bray offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 4, Section 1, Line 14, by inserting after all of said line the following:

"Section 2. The institution located at Springfield, Missouri, referred prior to August 28, 2004, as Southwest Missouri State University, shall institute and diligently enforce an anti-discrimination policy to provide equal opportunity for all enrolled students and applicants for admission to such university on the basis of merit without discrimination on the basis of their race, color, religion, sex, sexual orientation, national origin, age or disability, or Vietnam era veteran status. Sexual harassment shall be considered discrimination because of sex. This policy shall be instituted so that it is not interpreted in such a way as to violate the legal rights of religious organizations or military organizations associated with the armed forces of the United States of America."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 5** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Champion offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 4, Section 1, Line 1, by striking the word "all" and inserting in lieu thereof, the word "these".

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, In the Title, Line 4 of said title, by inserting immediately after the word "colleges" the following: ", with a contingent effective date"; and

Further amend said bill, page 3, section 174.450, line 23 of said page, by inserting immediately after said line the following:

"360.087. In addition to the powers granted the authority pursuant to the provisions of sections 360.010 to 360.140, the authority shall issue bonds in the amount of one hundred ninety million four hundred thousand dollars. The revenue derived from such bonds shall be used exclusively for the construction and renovation of life sciences and economic development infrastructure on the several campuses of the University of Missouri. The bonds required pursuant to this section shall be subject to the provisions of sections 360.010 to 360.140 as if they were issued pursuant to the authority's bonding power pursuant to section 360.047."; and

Further amend said bill, page 4, Section 1, line 14 of said page, by inserting immediately after said line the following:

"Section 2. 1. The Curators of the University of Missouri, a public corporation of the State of Missouri is hereby authorized and empowered to enter into a long-term ground lease for the purpose of the construction of a hotel/convention center complex in a tract of land owned by the Curators of the University of Missouri, in the City of Columbia, Boone County, Missouri more particularly described as follows:

A tract of land being part of the southeast quarter of Section 13, Township 48 North, Range 13 West; part of the southwest quarter of Section 18, Township 48 North, Range 12 West and part of the northwest quarter of Section 19, Township 48 North, Range 12 West in Columbia, Boone County, Missouri.

Starting at the southeast corner of Section 13, Township 48 North, Range 13 West; thence N 1 15'E, along the range line, 104.73 feet to the north right-of-way of Stadium Boulevard (State Route 740), the point of beginning.

From the point of beginning and following said right-of-way N 88 18'W 47.10 feet; thence N 88 54'W 209.92 feet; thence North 44 10'W 85.00 feet; thence 89 06'W 15.50 feet to the east line of Monk Drive; thence N 1 15'E, along said line 737.00 feet to the south line of Hospital Drive; thence S 89 05'E, along said line 140 feet; thence northeasterly, continuing along said line 860 feet; thence easterly, continuing along the south line of Hospital Drive 440 feet to the west line of College Avenue (State Route 763); thence south, along said line 300 feet; thence southwesterly, continuing along the west line of College Avenue being a curve to the right 1130 feet to the north line of Stadium Boulevard; thence northwesterly, along said line being a curve to the left 750 feet to the beginning.

2. The Curators of the University of Missouri shall issue a "Request for Proposals" (RFP) for the construction of a hotel/convention center complex on said property and use the proceeds derived from the lease of a portion of the above described property to the successful respondent toward the construction of a Performing Arts Center to be located on a portion of the described real property for the University of Missouri-Columbia. The RFP shall include the following:

- (1) The University will not own or operate the hotel/convention center complex;**
- (2) The University shall lease the real property for a term not to exceed fifty years;**
- (3) The University shall encourage as many interested parties as possible to respond to the RFP; and**

(4) The University shall inform all parties that the successful respondent shall pay all applicable taxes, including but not limited to personal property and real property taxes as assessed by governmental entities:

3. The Curators of the University of Missouri shall set the terms and conditions for the lease of the above described property, as they deem reasonable, insofar as they are consistent with the provisions of this section.

Section B. The repeal and reenactment of sections of 174.020, 174.450, and the enactment of section 1 of this act shall take effect only upon notice to the revisor of statutes from the commissioner of the office of administration that the bonds authorized pursuant to section 360.087 of this act have been issued and upon the authorization of the Curators to enter into the long-term ground lease specified in section 2 of this act.

Section C. If any provision of section A of this act or the application thereof to anyone or to any circumstances is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 7** is out of order as it goes beyond the scope and title of the bill, stating that the title relates to names of state colleges.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 7 was again taken up.

At the request of Senator Kinder, **SB 714** and **SB 761**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1175-By Yeckel.

An Act to repeal sections 494.400, 494.425, 494.430, 494.431, 494.450, 494.455, and 494.460, RSMo, and to enact in lieu thereof seven new sections relating to jury service.

SB 1176-By Shields.

An Act to amend chapter 51, RSMo, by adding thereto one new section relating to compensation for additional duties of county clerks.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1203, regarding Debra Myers, Ewing, which was adopted.

Senator Klindt offered Senate Resolution No. 1204, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Morin, Mercer, which was adopted.

Senator Klindt offered Senate Resolution No. 1205, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Wilmes, Ravenwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Micki and Joseph Knowles, Brookfield.

Senator Gross introduced to the Senate, Councilman John Scherr, and his mother Pat; and Councilman John Gieseke, St. Charles.

Senator Bartle introduced to the Senate, Carol Dunn, Melissa Glasco, Tonya Landes, Janet Slauter and Warren Utsler, Lee's Summit; Paula Jensen, Independence; Evan Manuel, Tracey Mulholland, Janet Richards, Tasoula Scire and Barry Teghtmeyer, Blue Springs; and Mary Ann Shields, Buckner.

Senator Caskey introduced to the Senate, John and Jane Kopp, Windsor; and their daughter Jennifer Kopp Dameron, Kansas City.

Senator Foster introduced to the Senate, Vicki and Mike Rhew, Kennett.

Senator Foster introduced to the Senate, Patt Sharp, Kennett.

On behalf of Senator Champion and himself,

Senator Kinder introduced to the Senate, Tom Strong, Ken Meyer, Ed Pinegar, and Raphael Warfield, Springfield.

On behalf of Senator Dolan and himself, Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Daniel Sohn, M.D., Kirkwood; and Michael Ladefich, O'Fallon.

Senator Caskey introduced to the Senate, Tasoula and John Scire, Janet Houx, and Greg Montgomery, Holden.

On behalf of Senator Jacob and herself, Senator Yeckel introduced to the Senate, Tara Sparks and Jean Swanson, St. Louis County.

Senator Kennedy introduced to the Senate, Christina and Timothy Been and twenty-two fourth grade students from Dewey International Studies, St. Louis.

Senator Dolan introduced to the Senate, Master Sergeant Carl Hargus of Chapter 26 Special Forces Association.

Senator Kinder introduced to the Senate, Susan Williams and Della Hubbard, Sikeston.

Senator Bland introduced to the Senate, Assemblyman Herb J. Wesson, Jr., Speaker of the California State Assembly.

On behalf of Senator Jacob and himself, Senator Loudon introduced to the Senate, Beth Gardner, Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY-THURSDAY, JANUARY 29, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 943-Goode and Gross

SB 1095-Goode, et al

SB 1100-Gibbons and Gross

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1110-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1122-Shields

SB 1123-Gibbons, et al

SB 1124-Goode and Steelman

SB 1125-Goode

SB 1126-Russell

SB 1127-Cauthorn

SB 1128-Cauthorn

SB 1129-Bray

SB 1130-Scott

SB 1131-Steelman

SB 1132-Steelman, et al

SB 1133-Foster, et al

SB 1134-Foster, et al

SB 1135-Foster, et al

SB 1136-Vogel

SB 1137-Vogel

SB 1138-Bartle

SB 1139-Mathewson

SB 1140-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1145-Kennedy

SB 1146-Dougherty and Griesheimer

SB 1147-Dougherty and Bartle

SB 1148-Dougherty, et al

SB 1149-Dougherty

SB 1150-Goode

SB 1151-Steelman, et al

SB 1152-Steelman

SB 1153-Cauthorn

SB 1154-Cauthorn and Wheeler

SB 1155-Cauthorn

SB 1156-Caskey

SB 1157-Scott

SB 1158-Bray, et al

SB 1159-Foster and Dougherty

SB 1160-Shields, et al

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1164-Jacob, et al

SB 1165-Russell

SB 1166-Caskey

SB 1167-Caskey

SB 1168-Jacob

SB 1169-Jacob

SB 1170-Shields

SB 1171-Griesheimer, et al

SB 1172-Gibbons, et al

SB 1173-Days, et al

SB 1174-Caskey

SB 1175-Yeckel

SB 1176-Shields

SJR 43-Klindt

SJR 45-Bartle and Gross

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

THIRD READING OF SENATE BILLS

SB 739-Klindt

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1000-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 714 & 761-Kinder,
et al, with SCS,

SS for SCS & SA 7 (pending)

SB 732-Gross

Journal of the Senate

SECOND REGULAR SESSION

THIRTEENTH DAY--THURSDAY, JANUARY 29, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"The heavens declare the glory of God; and the firmament shows His handiwork." (Psalm 19:1)

Gracious Father, as we complete our work this day and return home, help us to see the beauty You have created and the majesty that proclaims Your gift to us. But let us also take time this weekend to pray and give You praise for these gifts and have time to enjoy them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1206, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Max Thomas, Sweet Springs, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1207, regarding Brian Cox, Wildwood, which was adopted.

Senator Callahan offered Senate Resolution No. 1208, regarding Coach Bud Lathrop, Raytown South High School, Raytown, which was adopted.

Senator Callahan offered Senate Resolution No. 1209, regarding the One Hundredth Birthday of Gene Duncan, Raytown, which was adopted.

Senator Callahan offered Senate Resolution No. 1210, regarding the One Hundredth Birthday of Alice Jane Dickerson, Raytown, which was adopted.

CONCURRENT RESOLUTIONS

Senator Kinder offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, for many years, residents in the greater St. Louis area enjoyed regular airline service by TWA to and from Ronald Reagan Washington National Airport (DCA); and

WHEREAS, St. Louis is a large market, with over 2.6 million people in the St. Louis Metropolitan Statistical Area, and for the year 2003, the St. Louis-Washington market (not including BWI) ranked 13th among Washington destinations inside the 1,250-mile perimeter with 243,302 passengers; and

WHEREAS, because TWA was the dominant airline in St. Louis, fares were relatively high, especially for business travelers who often traveled on a few days' notice. When American

Airlines acquired TWA several years ago, they significantly reduced their presence in St. Louis and service to Washington, D.C. has suffered as a result; and

WHEREAS, American Airlines now operates its DCA to STL services using regional jets with a seating capacity of 50 or less seats, United Airlines operates three daily roundtrips using regional jets between St. Louis and Dulles, and Southwest Airlines only flies to BWI, not to DCA or Dulles; and

WHEREAS, with such a lack of competition for flights to Washington, D.C., Primaris, a new entrant airline, would introduce competition in the market served currently only by American Airlines; and

WHEREAS, Primaris proposes to operate a twice-daily premium service between STL and DCA using Boeing 757 aircraft with 126-seat capacity in a two-by-two configuration for passenger comfort; and

WHEREAS, Primaris will provide this premium service which is equal to or better than the current business class service and will offer fares significantly lower than most coach class fares of American Airlines' commuter affiliates that now conduct DCA-STL operations; and

WHEREAS, while recognizing that the United States Congress has given the federal Department of Transportation authority to grant only a few slot exemptions, given the size of the St. Louis market and the current lack of competition on the DCA-STL route, approval of Primaris Airlines' application is strongly recommended to serve the St. Louis-Washington, D.C. market:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Department of Transportation to grant approval to Primaris Airlines' application in Docket OST 2000-7182 for the operation of twice-daily service between Ronald Reagan Washington National Airport (DCA) and Lambert-St. Louis International Airport (STL); and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Honorable Norman Y. Mineta, Secretary of Transportation, and each member of the Missouri Congressional Delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1177-By Klindt.

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility commissions.

SB 1178-By Klindt.

An Act to repeal sections 348.406, 348.410, and 348.412, RSMo, and to enact in lieu thereof three new sections relating to the agricultural business development loan program.

SB 1179-By Steelman.

An Act to amend chapters 354 and 383, RSMo, by adding thereto three new sections relating to medical malpractice insurance, with an emergency clause.

SB 1180-By Shields and Kinder.

An Act to amend chapter 172, RSMo, by adding thereto eight new sections relating to life sciences reinvestment districts, with an emergency clause.

SB 1181-By Yeckel.

An Act to repeal sections 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, RSMo, and to enact in lieu thereof six new sections relating to licensing of physical therapists and physical therapist assistants.

SB 1182-By Dolan.

An Act to repeal section 226.527, RSMo, and to enact in lieu thereof one new section relating to outdoor advertising.

SB 1183-By Dolan.

An Act to repeal section 89.410, RSMo, and to enact in lieu thereof one new section relating to regulations governing the subdivision of land.

SB 1184-By Griesheimer, Gibbons, Foster and Gross.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to business tangible personal property, with an effective date.

SB 1185-By Gross.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating civil liability for food consumption.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 715**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 990**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 730**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 1144**, **SB 919** and **SB 874**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields assumed the Chair.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1118**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Bartle assumed the Chair.

The Senate observed a moment of silence and Senator Bartle offered a prayer for former Senator Harry Wiggins.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Rodney Anderson, as a member of the Missouri Southern State University-Joplin Board of Regents;

Also,

Carrie A. Vanderford, Ryan W. Horsman, Vicki C. Rhew, Emmy L. McClelland and Jolene M. Schulz, as members of the Missouri Community Service Commission;

Also,

Roger D. Beamer, Samuel L. Shipman, John E. Waldschlager, Micki A. Knowles, David S. Topash, and David G. Brown, as members of the Corrections Officer Certification Commission;

Also,

Lisa G. Britt, D.V.M., as a member of the Organ Donation Advisory Committee;

Also,

Cynthia A. Suter, as public member, and David W. Barrow, as a member of the Missouri State Board of Nursing;

Also,

Robert R. Broz, as a member of the Well Installation Board;

Also,

H. Fred Christman, D.D.S., as a member of the Missouri Dental Board;

Also,

Donna R. Haley, John A. Scherr and Barry I. Feinberg, M.D., as members of the Missouri Head Injury Advisory Council;

Also,

A. Stephen Coburn, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Ik-Whan G. Kwon, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

Glen B. Williams, as a member of the State Banking Board;

Also,

Jerry B. Johnson, as a member of the Missouri State Advisory Council on Pain and Symptom Management;

Also,

Vicki L. McCarrell and Malinda Ann Crane, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Linda Brown Reed, as a member of the Children's Trust Fund Board;

Also,

John J. Kopp, as a member of the Administrative Hearing Commission;

Also,

Timothy J. Dorsey and Ray D. Jagger, as members of the Missouri Fire Education Commission;

Also,

William Owens, M.D. and Carl M. Myers, M.D., as members of the State Board of Registration for the Healing Arts;

Also,

Michael David Conner, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Richard A. Hanson, as a member of the Missouri State Public Employees Deferred Compensation Commission;

Also,

Judith Wall Baker, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Katherine Anne Geppert, as a member of the State Milk Board;

Also,

George R. Johnstone, Ph.D., as a member of the State Committee of Psychologists;

Also,

Gerald J. Randall, as a member of the Clay County Board of Election Commissioners.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 714** and **SB 761**, with **SCS, SS** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 7 was again taken up.

Senator Caskey raised the point of order that **SA 7** is out of order as the amendment goes beyond the scope and purpose of the original bills.

Senator Shields assumed the Chair.

Senator Bartle assumed the Chair.

Senator Jacob raised the point of order that the President Pro Tem does not have the authority to reverse his ruling on a point of order; stating that only the body can reverse a ruling.

The points of order were referred to the President Pro Tem.

The President Pro Tem ruled the point of order raised by Senator Jacob not well taken.

The President Pro Tem ruled the point of order raised by Senator Caskey well taken.

SS for **SCS** for **SBs 714** and **761**, as amended, was again taken up.

Senator Jacob offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 3, Section 174.450, Line 23, by inserting after all of said line the following:

"3. The governing board of the University of Missouri, a public corporation of the State of Missouri is hereby authorized and empowered to enter into a long-term ground lease for the purpose of the construction of a hotel/convention center complex in a tract of land owned by the Curators of the University of Missouri, in the City of Columbia, Boone County, Missouri more particularly described as follows:

A tract of land being part of the southeast quarter of Section 13, Township 48 North, Range 13 West; part of the southwest quarter of Section 18, Township 48 North, Range 12 West and part of the northwest quarter of Section 19, Township 48 North, Range 12 West in Columbia, Boone County, Missouri.

Starting at the southeast corner of Section 13, Township 48 North, Range 13 West; thence N 1 15'E, along the range line, 104.73 feet to the north right-of-way of Stadium Boulevard (State Route 740), the point of beginning.

From the point of beginning and following said right-of-way N 88 18'W 47.10 feet; thence N 88 54'W 209.92 feet; thence North 44 10'W 85.00 feet; thence 89 06'W 15.50 feet to the east line of Monk Drive; thence N 1 15'E, along said line 737.00 feet to the south line of Hospital Drive; thence S 89 05'E, along said line 140 feet; thence northeasterly, continuing along said line 860 feet; thence easterly, continuing along the south line of Hospital Drive 440 feet to the west line of College Avenue (State Route 763); thence south, along said line 300 feet; thence southwesterly, continuing along the west line of College Avenue being a curve to the right 1130 feet to the north line of Stadium Boulevard; thence northwesterly, along said line being a curve to the left 750 feet to the beginning.

4. The Curators of the University of Missouri shall issue a "Request for Proposals" (RFP) for the construction of a hotel/convention center complex on said property and use the proceeds derived from the lease of a portion of the above described property to the successful respondent toward the construction of a Performing Arts Center to be located on a portion of the described real property for the University of Missouri-Columbia. The RFP shall include the following:

- (1) The University will not own or operate the hotel/convention center complex;**
- (2) The University shall lease the real property for a term not to exceed fifty years;**
- (3) The University shall encourage as many interested parties as possible to respond to the RFP; and**

(4) The University shall inform all parties that the successful respondent shall pay all applicable taxes, including but not limited to personal property and real property taxes as assessed by governmental entities:

5. The Curators of the University of Missouri shall set the terms and conditions for the lease of the above described property, as they deem reasonable, insofar as they are consistent with the provisions of this section.

Section B. The repeal and reenactment of sections of 174.020, 174.450, and the enactment of section 1 of this act shall take effect only upon notice to the revisor of statutes from the commissioner of the office of administration that the authorization of the Curators to enter into the long-term ground lease specified in section 2 of this act.

Section C. If any provision of section A of this act or the application thereof to anyone or to any circumstances is held invalid, the remainder of those sections and the application of such provisions to others or other circumstances shall not be affected thereby."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

Senator Jacob moved that SA 8 be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Mathewson, Vogel and Wheeler.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Stoll	Vogel	Wheeler--11	
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Foster	Gibbons	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Yeckel--21			
Absent--Senators			
Quick	Russell--2		
Absent with leave--Senators--None			

Senator Shields assumed the Chair.

Senator Jacob offered SA 9, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 3, Section 174.450, Line 10 of said page, by inserting at the end of said line the following: "The governing boards of the institutions articulated in this subsection shall institute a policy prohibiting an employee from knowingly cloning a human being or participating in cloning a human being. As used in this subsection, the words "cloning a human being" shall mean the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male.".

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 9** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Jacob offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 3, Section 174.450, Line 23 of said page, by inserting at the end of said line the following: "**The governing board of Missouri State University shall institute a policy prohibiting any employee, within the scope of their employment with the institution, from referring any student to an abortion provider or any referral service which may reasonably lead to that student obtaining abortion services.**".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Kinder, **SBs 714 and 761**, with **SCS, SS for SCS and SA 10** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 943--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1095--Small Business, Insurance and Industrial Relations.

SB 1100--Governmental Accountability and Fiscal Oversight.

SB 1110--Pensions and General Laws.

SB 1122--Aging, Families, Mental and Public Health.

SB 1128--Agriculture, Conservation, Parks and Natural Resources.

SB 1129--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1151--Small Business, Insurance and Industrial Relations.

SB 1171--Commerce and the Environment.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 916--Judiciary and Civil and Criminal Jurisprudence.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, Missouri's Rehabilitation Services for the Blind is housed within the Department of Social Services; and

WHEREAS, Rehabilitation Services for the Blind is in place to create opportunities for eligible blind and visually impaired persons so that they may attain personal and vocational success; and

WHEREAS, the services provided by Rehabilitation Services for the Blind (RSB) assist people with varying degrees of visual impairment, ranging from those who cannot read regular print to those who are totally blind and serve a vital role for those persons seeking its services; and

WHEREAS, changing the status of Rehabilitation Services for the Blind from one of many "programs" within the Department of Social Services to its own division is necessary:

(1) Because the number of eligible blind and visually-impaired person increases substantially each year; and

(2) To ensure that Rehabilitation Services for the Blind continues to provide the most efficient and beneficial services to eligible blind and visually-impaired persons; and

(3) To ensure that the new director of the Division of Rehabilitation Services for the Blind can maintain better control of the services provided and can continue to receive the appropriate funding from the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request the Governor to authorize by Executive Order the transfer of all duties, functions and responsibilities of Rehabilitation Services for the Blind from "program" status

within the Department of Social Services and thereby creating the Division of Rehabilitation Services for the Blind which will raise its level of distinction within the Department; and
BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1186-By Bland and Days.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to used vehicle dealer practices.

SB 1187-By Wheeler.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to project plans and specifications of state facilities.

SB 1188-By Loudon.

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts.

SB 1189-By Scott.

An Act to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to reporting and investigating of death by a coroner.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 969**, entitled:

An Act to repeal section 143.431, RSMo, and to enact in lieu thereof two new sections relating to Missouri taxable income of corporations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, Traci Daffer, Blue Springs.

On behalf of Senators Jacob, Quick and

himself, Senator Kennedy introduced to the Senate, Roosevelt Stewart and Fred Wolfmeyer, St. Louis; Sue Gardner, Ashland; and Andrea Chapman, Kansas City.

On behalf of Senator Bartle, the President introduced to the Senate, Head Coach Kelly Donahoe, Athletic Director Tim Crone, Captains Zac Cunningham, Stinson Dean, Jarrett Morris, Chris Benham, Brett Anwander, Kory Arrington, Sean Sharky, Isac Palelei, David Simpson, Kyle Reed and members of the Blue Springs High School Wildcats, 2004 6A State Football Champions.

Senator Quick introduced to the Senate, Mr. and Mrs. John Callicotte and their children, Isaac, Jonathan, Abigail and Hannah, Homeschoolers from Gladstone; and Isaac, Jonathan, Abigail and Hannah were made honorary pages.

Senator Callahan introduced to the Senate, Dan McGraw and Stephanie Roush, Independence.

On motion of Senate Gibbons, the Senate adjourned until 3:00 p.m., Monday, February 2, 2004.

SENATE CALENDAR

FOURTEENTH DAY-MONDAY, FEBRUARY 2, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1123-Gibbons, et al

SB 1124-Goode and Steelman

SB 1125-Goode

SB 1126-Russell

SB 1127-Cauthorn

SB 1130-Scott

SB 1131-Steelman

SB 1132-Steelman, et al

SB 1133-Foster, et al

SB 1134-Foster, et al

SB 1135-Foster, et al

SB 1136-Vogel

SB 1137-Vogel

SB 1138-Bartle

SB 1139-Mathewson

SB 1140-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1145-Kennedy

SB 1146-Dougherty and Griesheimer

SB 1147-Dougherty and Bartle

SB 1148-Dougherty, et al

SB 1149-Dougherty

SB 1150-Goode

SB 1152-Steelman

SB 1153-Cauthorn

SB 1154-Cauthorn and Wheeler

SB 1155-Cauthorn

SB 1156-Caskey

SB 1157-Scott

SB 1158-Bray, et al

SB 1159-Foster and Dougherty

SB 1160-Shields, et al

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1164-Jacob, et al

SB 1165-Russell

SB 1166-Caskey

SB 1167-Caskey

SB 1168-Jacob

SB 1169-Jacob

SB 1170-Shields

SB 1172-Gibbons, et al

SB 1173-Days, et al

SB 1174-Caskey

SB 1175-Yeckel

SB 1176-Shields

SB 1177-Klindt

SB 1178-Klindt

SB 1179-Steelman

SB 1180-Shields and Kinder

SB 1181-Yeckel

SB 1182-Dolan

SB 1183-Dolan

SB 1184-Griesheimer, et al

SB 1185-Gross

SB 1186-Bland and Days

SB 1187-Wheeler

SB 1188-Loudon

SB 1189-Scott

SJR 43-Klindt

SJR 45-Bartle and Gross HOUSE BILLS ON SECOND READING

HB 969-Cooper, et al

THIRD READING OF SENATE BILLS

SB 739-Klindt

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1000-Bartle

SB 715-Childers and Caskey, with SCS

SB 990-Loudon, with SCS

SB 730-Gross and Champion, with SCS

SBs 1144, 919 & 874-Dolan, et al, with
SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 714 & 761-Kinder, et al, with SCS, SS
for SCS & SA 10 (pending)

SB 732-Gross

RESOLUTIONS

To be Referred

SCR 33-Kinder

SCR 34-Caskey Reported from Committee

SR 1118-Steelman and

Nodler

SCR 23-Gross

SCR 24-Cauthorn, et al

SCR 25-Stoll, et al

SCR 26-Childers and Russell

Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY--MONDAY, FEBRUARY 2, 2004

The Senate met pursuant to adjournment.

Senator Clemens in the Chair.

Reverend Carl Gauck offered the following prayer:

"Praise the Lord. Blessed is the man who fears the Lord." (Psalm 112:1)

Blessed Lord, we thank You for watching our going out and coming in and our safe arrival to do our work this week. Bless our efforts and guide our work this week. And Lord, we pray for our doorman Fred Fischer at the death of his wife, Margaret. Comfort Fred and his family with Your presence and be an ever present help reminding them of Your mercy and love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 29, 2004, was read and approved.

Photographers from the Associated Press, KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1211, regarding the Clarkton Historical Society, which was adopted.

Senator Yeckel offered Senate Resolution No. 1212, regarding Daniel Ried, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 1213, regarding Kevin J. Chierek, St. Louis, which was adopted.

Senator Wheeler offered Senate Resolution No. 1214, regarding the American Heart Association, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1215, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Kenneth Roth, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1216, regarding Anita Ludwig, Louisiana, which was adopted.

Senator Caskey offered Senate Resolution No. 1217, regarding Sara Bass, Warrensburg, which was adopted.

Senator Wheeler offered Senate Resolution No. 1218, regarding Delena Stout, Kansas City, which was adopted.

Senator Dougherty offered Senate Resolution No. 1219, regarding the Homer G. Phillips Senior Living Community, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 1220, regarding Belinda Davis, Belton, which was adopted.

Senator Bland offered Senate Resolution No. 1221, regarding the death of John Friedmann, CFE, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1222, regarding the death of Edith C. Westley, Kansas City, which was adopted.

Senator Russell offered Senate Resolution No. 1223, regarding Jerry and Juanita Sisco, Alton, which was adopted.

Senator Bartle offered Senate Resolution No. 1224, regarding Dolores and Dave Priddy, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1225, regarding Corey Austin Daughenbaugh, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1226, regarding Michael Craig Humphrey, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 1227, regarding Karen LaFever, which was adopted.

Senator Yeckel offered Senate Resolution No. 1228, regarding Linda Sarver, which was adopted.

Senator Yeckel offered Senate Resolution No. 1229, regarding Jessica Lynne Mauk, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1230, regarding Barbara Blackmon, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1231, regarding Julie Grosmann, Ballwin, which was adopted.

Senator Yeckel offered Senate Resolution No. 1232, regarding Claire Laurentius, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1190-By Caskey.

An Act to repeal sections 313.004 and 313.813, RSMo, and to enact in lieu thereof two new sections relating to the powers of the gaming commission, with penalty provisions.

SB 1191-By Steelman.

An Act to repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to resisting or interfering with arrest, with penalty provisions.

SB 1192-By Steelman.

An Act to repeal section 304.351, RSMo, and to enact in lieu thereof one new section relating to right-of-way at intersections, with penalty provisions.

SB 1193-By Steelman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 1194-By Vogel.

An Act to amend chapter 260, RSMo, by adding thereto one new section relating to dry-cleaning facilities, with an expiration date.

SB 1195-By Klindt.

An Act to repeal section 211.393, RSMo, and to enact in lieu thereof one new section relating to juvenile court personnel.

SB 1196-By Klindt.

An Act to repeal sections 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof nine new sections relating to fireworks regulations, with penalty provisions.

SB 1197-By Quick.

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to recreational district board members.

SB 1198-By Russell.

An Act to repeal sections 143.225 and 143.261, RSMo, and to enact in lieu thereof one new section relating to withholding of taxes by employers, with an effective date.

SB 1199-By Kennedy.

An Act to repeal section 86.254, RSMo, and to enact in lieu thereof one new section relating to police relief and pension systems.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 758**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 769**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 782**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 789**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which were referred **SB 942, 850, and 841**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Kinder referred **SCR 33** and **SCR 34** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

The Senate observed a moment of silence for Fred Fischer.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 762**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 955**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 770**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 767**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on

the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald D. Boyer, Republican, 5654 E. State Highway AF, Fair Grove, Greene County, Missouri 65648, as a member of the State Milk Board, for a term ending September 28, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Conny K. Dover, 4001 South Baltimore, Kirksville, Adair County, Missouri 63501, as a public member of the County Employees' Retirement Fund Board of Directors, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martha A. Gragg, Republican, 15670 Highway BB, Milan, Sullivan County, Missouri 63556, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger E. Huckfeldt, M.D., 6273 S. Riverglen, Ozark, Christian County, Missouri 65721, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lois B. Kramer-Owens, Republican, 252 Whispering Cove Drive, Camdenton, Camden County, Missouri 65020, as a member of the State Committee of Dietitians, for a term ending June 11, 2006, and until her successor is duly appointed and qualified; vice, Donna Medlin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randy D. Mooney, Republican, 7725 E. Farm Rd. 194, Rogersville, Greene County, Missouri 65742, as a member of the State Milk Board, for a term ending September 28, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lois L. Reine, 2846 Foxdale Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kelly Rostic, 1123 W. McGuffey, Ozark, Christian County, Missouri 65721, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2007, and until her successor is duly appointed and qualified; vice, RSMo. 210.1014.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gary F. Sobocinski, 3274 Bridgeport Place Drive, Bridgeton, St. Louis County, Missouri 63044, as a member of the Missouri Board of Pharmacy, for a term ending January 29, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David K. Tan, M.D., 105 Lamplighter Way, O'Fallon, St. Charles County, Missouri 63366, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 714** and **SB 761**, with **SCS**, **SS** for **SCS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 10 was again taken up.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 10**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1 of the amendment, by inserting at the end of line 1 the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 3, Section 174.450, line 10, by inserting at the end of said line the following:

"The governing board of the institutions articulated in this subsection shall institute a policy prohibiting any employee, within the scope of their employment with the institution, from referring any student to an abortion provider or any referral service which may reasonably lead to that student obtaining abortion services." "

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken on its adoption and the adoption of **SA 10**. He was joined in his request by Senators Bray, Callahan, Days and Wheeler.

Senator Shields raised the point of order that **SA 1** to **SA 10** and **SA 10** are out of order as they go beyond the scope and purpose of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled the point of order well taken.

Senator Bartle assumed the Chair.

Senator Jacob offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: **"Samuel Aaron Baker"**; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: **"Samuel Aaron Baker"**; and

Further amend said bill and section, page 3, line 11 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: **"Samuel Aaron Baker"**; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: **"Samuel Aaron Baker"**; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: **"Samuel Aaron Baker"**; and further amend line 6 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: **"Samuel Aaron Baker"**; and further amend lines 8-9 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: **"Samuel Aaron Baker"**.

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Russell

Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senator Loudon--1		

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	Absent--Senators		
Bland	Coleman	Dolan	Dougherty
Foster	Russell	Scott--7	
	Absent with leave--Senator Loudon--1		

At the request of Senator Jacob, **SA 11** was withdrawn.

Senator Jacob offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 4, Section 1, Line 14, by inserting after all of said line the following:

"Section 2. No campus of Missouri State University shall offer associate degrees."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Callahan, Caskey and Coleman.

SA 12 failed of adoption by the following vote:

	YEAS--Senators		
Bray	Days	Goode	Jacob
Kennedy	Wheeler--6		
	NAYS--Senators		
Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		

Absent--Senators

Quick--2

Absent with leave--Senators--None

Klindt

Senator Jacob offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 2, Section 174.020, Line 13, by inserting after the word "education" the following: "**and further, no additional state revenues shall follow from the modification of the names of the institutions specified in subsection 1 of this section.**".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 714** and **SB 761**, with **SCS, SS** for **SCS** and **SA 13** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 1123--Aging, Families, Mental and Public Health.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 932**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SB 980**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SB 1028**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1200--By Griesheimer.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 1201-By Cauthorn.

An Act to repeal sections 142.028 and 142.031, RSMo, and to enact in lieu thereof two new sections relating to the motor fuel tax.

SB 1202-By Gibbons, Russell, Goode and Dolan.

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof one new section relating to the criminal record system fund.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 1233, regarding Daniel Moore, Nixa, which was adopted.

Senator Clemens offered Senate Resolution No. 1234, regarding Mathew Hartzell, Nixa, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senators Goode, Days and himself, Senator Kennedy introduced to the Senate,

Samara Moore, RT (R) and Martin G. Henson, RT (R), Florissant; Anne Rutz, Ph.D. RT (R)(M), Rolla; David L. Frazier, BS RT (R) (QM), Springfield; Tammy Decker, RN RT (R)(M) BSN, Pleasant Hope; and Heather Brown BSRTRM, Sparta.

Senator Coleman introduced to the Senate, Lyndon LaRouche.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTEENTH DAY-TUESDAY, FEBRUARY 3, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1124-Goode and Steelman

SB 1125-Goode

SB 1126-Russell

SB 1127-Cauthorn

SB 1130-Scott

SB 1131-Steelman

SB 1132-Steelmann, et al

SB 1133-Foster, et al

SB 1134-Foster, et al

SB 1135-Foster, et al

SB 1136-Vogel

SB 1137-Vogel

SB 1138-Bartle

SB 1139-Mathewson

SB 1140-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1145-Kennedy

SB 1146-Dougherty and Griesheimer

SB 1147-Dougherty and Bartle

SB 1148-Dougherty, et al

SB 1149-Dougherty

SB 1150-Goode

SB 1152-Steelmann

SB 1153-Cauthorn

SB 1154-Cauthorn and Wheeler

SB 1155-Cauthorn

SB 1156-Caskey

SB 1157-Scott

SB 1158-Bray, et al

SB 1159-Foster and Dougherty

SB 1160-Shields, et al

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1164-Jacob, et al

SB 1165-Russell

SB 1166-Caskey

SB 1167-Caskey

SB 1168-Jacob

SB 1169-Jacob

SB 1170-Shields

SB 1172-Gibbons, et al

SB 1173-Days, et al

SB 1174-Caskey

SB 1175-Yeckel

SB 1176-Shields

SB 1177-Klindt

SB 1178-Klindt

SB 1179-Steelman

SB 1180-Shields and Kinder

SB 1181-Yeckel

SB 1182-Dolan

SB 1183-Dolan

SB 1184-Griesheimer, et al

SB 1185-Gross

SB 1186-Bland and Days

SB 1187-Wheeler

SB 1188-Loudon

SB 1189-Scott

SB 1190-Caskey

SB 1191-Steelman

SB 1192-Steelman

SB 1193-Steelman

SB 1194-Vogel

SB 1195-Klindt

SB 1196-Klindt

SB 1197-Quick

SB 1198-Russell

SB 1199-Kennedy

SB 1200-Griesheimer

SB 1201-Cauthorn

SB 1202-Gibbons, et al

SJR 43-Klindt

SJR 45-Bartle and Gross

HOUSE BILLS ON SECOND READING

HB 969-Cooper, et al

THIRD READING OF SENATE BILLS

SB 739-Klindt

SENATE BILLS FOR PERFECTION

SB 1000-Bartle

SB 715-Childers and Caskey,
with SCS

SB 990-Loudon, with SCS

SB 730-Gross and Champion,
with SCS

SBs 1144, 919 & 874-Dolan,
et al, with SCS INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 714 & 761-Kinder, et al,
with SCS, SS for SCS &
SA 13 (pending)

SB 732-Gross

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 758-Griesheimer, with SCS

SB 769-Nodler

SB 782-Caskey, with SCS

SB 789-Childers, with SCS

SBs 942, 850 & 841-Nodler,
with SCS

SB 762-Champion, with SCS

SB 955-Scott, with SCS

SB 770-Nodler

SB 1006-Goode, et al, with SCS

SB 767-Clemens, with SCS

SB 932-Loudon

SB 980-Bartle, with SCS

SB 1028-Cauthorn

RESOLUTIONS

Reported from Committee

SR 1118-Steelman and Nodler

SCR 23-Gross

SCR 24-Cauthorn, et al

SCR 25-Stoll, et al

SCR 26-Childers and Russell

Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY--TUESDAY, FEBRUARY 3, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Thy statutes have been my songs in the house of my pilgrimage." (Psalm 119:54)

Gracious God, what we attempt here is but a mirror of Your law that governs Your people. Help us in our discernment to bring laws that affect the lives of our people that they may be safe and seek justice in their daily living. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KMIZ-TV, The Chart, MSSU, Joplin and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1235, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willard Adams, Bernie, which was adopted.

Senator Gibbons offered Senate Resolution No. 1236, regarding Andrew P. "Andy" Kent, Manchester, which was adopted.

Senator Dolan offered Senate Resolution No. 1237, regarding Daniel Zatorski, St. Peters, which was adopted.

Senator Dolan offered Senate Resolution No. 1238, regarding Trent Taylor, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 1239, regarding Michael Klamm, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 1240, regarding Phillip Guerrettaz, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 1241, regarding Matthew Paule, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 1242, regarding Joshua Loeb, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 1243, regarding Clayton Peterson, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 1244, regarding Alex Ratcliff, Lake Saint Louis, which was adopted.

Senator Dolan offered Senate Resolution No. 1245, regarding Jacob Barrow, O'Fallon, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 714** and **SB 761**, with **SCS, SS** for **SCS** and **SA 13** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 13 was again taken up.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--28
Absent--Senators			
Bland	Coleman	Dolan	Goode
Mathewson	Stoll--6		
Absent with leave--Senators--None			

Senator Jacob moved that **SA 13** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Kennedy and Wheeler.

SA 13 failed of adoption by the following vote:

YEAS--Senators			
Bray	Days	Jacob	Kennedy
Quick	Wheeler--6		

	NAYS--Senators		
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--25			
	Absent-Senators		
Bland	Coleman	Goode-3	
	Absent with leave-Senators-None		

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11, by removing the open bracket "[" and the close bracket "]" on either side of the word "Southwest"; and

Further by amending page 2, section 174.450, line 20, by removed the open bracket "[" and the close bracket "]" on either side of the word "Southwest"; and

Further by amending page 3, section 174.450, line 11, by inserting the word "**Southwest**" immediately before the word "**Missouri**"; and

Further by amending page 3, section 1, line 24, by inserting the word "**Southwest**" immediately before the word "**Missouri**"; and

Further by amending page 4, section 1, line 2, by inserting the word "**Southwest**" immediately before the word "**Missouri**"; and

Further by amending page 4, section 1, line 6, by inserting the word "**Southwest**" immediately before the word "**Missouri**"; and

Further by amending page 4, section 1, line 8, by inserting the word "**Southwest**" and immediately before the word "**Missouri**"; and

Further by amending page 4, section 1, line 14, by inserting after the end of all of said line the following:

"Section 2. 1. It is the established policy and position of the state of Missouri that the name of each public institution of higher education in the state shall clearly convey to the public the mission, roll, and scope of that institution with in the context of Missouri's coordinated system of higher education. It is also the established policy and position of the state of Missouri that it is particularly important that the missions and names of state-supported institutions of higher education continue to be coordinated to maintain differentiation within the state's system of higher education. It is also the established policy and position of the state of Missouri that any consideration of changing the name of any public institution of higher education in this state shall be conducted by the coordinating board of higher education and shall be conducted pursuant to the guidelines, rules, and regulations promulgated by the coordinating board of higher education.

2. No name of any public institution of higher education in this state shall be changed unless such change is first recommended by the coordinating board of higher education and is then duly approved by the general assembly and enacted into law. The guidelines, rules and regulations established by the coordinating board of higher education for governing the process of changing the names of such institutions shall include, by not be limited to, the following:

- (1) All proposals to change the name of any public institution of higher education in this state shall be forwarded to the coordinating board of higher education for review, study, and recommendation and shall be accompanied by a comprehensive impact statement which meets the guidelines, rules and regulations promulgated by the coordinating board of higher education;**
- (2) The consideration of changing the name of any such institution shall only occur commensurate with a comprehensive study and review by the coordinating board of higher education regarding the institution's assigned mission and role within the coordinated system of higher education in the state;**
- (3) The coordinating board of higher education's consideration of changing the name of any such institution shall include a consideration of the breadth of programs offered, the institution's graduation rates, the institution's productivity, the qualifications of faculty, and the distribution of degrees conferred as a potential measure of institutional comprehensiveness;**
- (4) Marketing shall not be the sole, or even a primary, reason or justification of a name change proposal or final recommendation;**
- (5) No change of name of any public institution of higher education in this state shall occur unless such name change is consistent with the coordinating board's long-established policies relating to access, quality, and efficiency in the provision of publicly funded higher education in the state of Missouri; and**
- (6) No additional state funds or other resources shall be appropriated or directed to any institution as a result of a change of that institution's name.**

3. The coordinating board of higher education is authorized to promulgate guidelines, rules, and regulations to govern the process of proposing, reviewing, studying, recommending, and effecting a change of name of any public institution of higher education in the state of Missouri.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 526, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

Section 3. The coordinating board of higher education shall conduct a comprehensive study of the post-secondary educational needs of the citizens of the state of Missouri, and of the capability of the existing public and private institutions of higher education in this state to meet those recognized needs period. The coordinating board of higher education shall also conduct a comprehensive study of the existing coordinated system of public higher education in Missouri and shall determine whether the existing coordinated system should be modified to better meet the recognized post-secondary educational needs of the citizens of this state. The coordinating board of higher education shall complete its studies and submit its final report to the governor and the general assembly not later than November 1, 2005. The final report shall contain a detailed statement of the findings and conclusions of the coordinating board of higher education, along with the board's recommendations for legislation and administrative actions as the coordinating board of higher education deems appropriate, including, but not limited to, recommendations as to:

- (1) Whether the structure of, or institutions within, the University of Missouri system should be modified;**
- (2) Whether the structure of, or institutions within, the coordinated system of local and regional colleges and universities and the statewide state university should be modified;**
- (3) Whether the coordinated system of regional universities should be abandoned and replaced with a new**

system of "Missouri State" universities; and

(4) Whether the mission, name, admission standards, or Carnegie classification of any one or more of the current public institutions of higher education in this state should be modified."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 14**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11, by inserting after "known" on said line a ","; and

Further amend said bill, page 2, section 174.450, line 20 of said line by striking "," and inserting in lieu thereof a ","; and

Further amend said bill and section, page 3, line 11 of said page, by inserting after "board" a ","; and

Further amend said bill, page 3, section 1, line 24 of said page, by inserting a "," after "duplicate"; and

Further amend said bill and section, page 4, line 2 of said page by inserting a "," after "consider"; and

Further amend line 6 of said page by inserting a "," after "or"; and

Further amend lines 8 and 9 of said page by inserting a "," after "nor" on line 8 and a "," after "approval" on line 9.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 14** is out of order as it is not a true substitute amendment; stating that it is not substantive and is perfecting in nature and further that it is a frivolous amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 14** was again taken up.

Senator Bray raised the point of order that Senator Bartle has a computer on his desk which is in violation of the Senate Rules.

The point of order was referred to the President Pro Tem who ruled it not well taken, indicating that the rules apply to a laptop and that the device being used by Senator Bartle was not a laptop.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 14**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Lines 2-17, by striking all of said lines; and further amend said

page, line 17, by inserting after all of said line, the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Ashcroft**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Ashcroft**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft**"; and further amend line 6 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft**"; and further amend lines 8-9 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft**".

Senator Jacob moved that the above amendment be adopted.

Senator Shields assumed the Chair.

At the request of Senator Jacob, **SA 1** to **SSA 1** for **SA 14** was withdrawn.

Senator Jacob offered **SA 2** to **SSA 1** for **SA 14**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Lines 1-16, by striking all of said lines; and further amend said page, line 16, by inserting after all of said line, the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Bond**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Bond**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Bond**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Bond**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Bond**"; and further amend line 6 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Bond**"; and further amend lines 8-9 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Bond**".

Senator Jacob moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** to **SSA 1** for **SA 14** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 to **SSA 1** for **SA 14** was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 3** to **SSA 1** for **SA 14**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Lines 2-17, by striking all of said lines; and further amend said page, line 17, by inserting after all of said line, the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Ashcroft & Bond**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Ashcroft & Bond**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft & Bond**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft & Bond**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft & Bond**"; and further amend line 6 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft & Bond**"; and further amend lines 8-9 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Ashcroft & Bond**".

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--29			

Absent--Senators

Bland	Coleman	Quick	Stoll
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Wheeler--5

Absent with leave--Senators--None

SA 3 to SSA 1 for SA 14 was again taken up.

A quorum was established by the following vote:

	Present--Senators		
Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	Absent--Senators		
Bartle	Bland	Quick	Stoll--4
	Absent with leave--Senators--None		

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	Absent--Senators		
Dolan	Quick	Stoll--3	
	Absent with leave--Senators--None		

Senator Bartle assumed the Chair.

At the request of Senator Jacob, **SA 3 to SSA 1 for SA 14** was withdrawn.

Senator Jacob offered **SA 4 to SSA 1 for SA 14**, which was read:

SENATE AMENDMENT NO. 4 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Lines 2-17, by striking all of said lines; and further amend said page, line 17, by inserting after all of said line, the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section

174.020, Line 11 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: "**Samuel Aaron Baker**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: "**Samuel Aaron Baker**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: "**Samuel Aaron Baker**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: "**Samuel Aaron Baker**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: "**Samuel Aaron Baker**"; and further amend line 6 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: "**Samuel Aaron Baker**"; and further amend lines 8-9 of said page, by striking the words "Missouri State" and inserting in lieu thereof the following: "**Samuel Aaron Baker**".

Senator Jacob moved that the above amendment be adopted.

Senator Shields assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
Absent--Senators			
Dolan	Quick	Stoll--3	
Absent with leave--Senators--None			

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			
Absent--Senators			
Bland	Dolan	Dougherty	Quick
Stoll--5			
Absent with leave--Senators--None			

A quorum was established by the following vote:

Present--Senators

Bartle		Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens	
Coleman	Days	Dougherty	Foster	
Gibbons	Goode	Griesheimer	Gross	
Jacob	Kennedy	Kinder	Klindt	
Loudon	Mathewson	Nodler	Russell	
Scott	Shields	Steelman	Vogel	
Wheeler	Yeckel--30			
	Absent--Senators			
Bland	Dolan	Quick	Stoll--4	
	Absent with leave--Senators--None			

A quorum was established by the following vote:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	Absent--Senators		
Dougherty	Goode	Quick--3	
	Absent with leave--Senators--None		

A quorum was established by the following vote:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	Absent--Senators		
Goode	Quick--2		
	Absent with leave--Senators--None		

Senator Coleman was recognized to interrogate Senator Days.

Senator Caskey rose asking if Senator Coleman would yield the floor for inquiry. Senator Coleman yielded to Senator Caskey.

At the request of Senator Caskey, **SSA 1** for **SA 14** was withdrawn, rendering **SA 4** to **SSA 1** for **SA 14** moot.

Senator Jacob raised the point of order that the withdrawal of **SSA 1** for **SA 14** is out of order, stating that the underlying amendment cannot be withdrawn unless the pending amendment to it is withdrawn first.

The point of order was referred to the President Pro Tem.

Senator Coleman raised the point of order that she yielded the floor to allow an inquiry by Senator Caskey and there was no inquiry.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem Kinder ruled the point of order raised by Senator Jacob not well taken.

SA 14 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: **"Donald William Thalhuber"**; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: **"Donald William Thalhuber"**; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Donald William Thalhuber"**; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Donald William Thalhuber"**; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Donald William Thalhuber"**; and further amend line 6 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Donald William Thalhuber"**; and further amend lines 8-9 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Donald William Thalhuber"**.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Bray, Days and Wheeler.

SA 15 failed of adoption by the following vote:

YEAS--Senator Jacob--1

NAYS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	Absent--Senators		
Goode	Russell	Stoll--3	

Senator Jacob offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Grover Cleveland Alexander**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Grover Cleveland Alexander**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Grover Cleveland Alexander**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Grover Cleveland Alexander**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Grover Cleveland Alexander**"; and further amend line 6 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Grover Cleveland Alexander**"; and further amend lines 8-9 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Grover Cleveland Alexander**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Kennedy and Mathewson.

Senator Bartle assumed the Chair.

SA 16 failed of adoption by the following vote:

YEAS--Senator Jacob--1

NAYS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	Absent--Senators		
Bland	Dougherty	Goode	Quick
Russell--5			

Absent with leave--Senators--None

Senator Jacob offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: "**Paul Armstrong**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri State" and

inserting in lieu thereof the following: **"Paul Armstrong"**; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: **"Paul Armstrong"**; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: **"Paul Armstrong"**; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: **"Paul Armstrong"**; and further amend line 6 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: **"Paul Armstrong"**; and further amend lines 8-9 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: **"Paul Armstrong"**.

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: **"Tom Bass"**; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: **"Tom Bass"**; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Tom Bass"**; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Tom Bass"**; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Tom Bass"**; and further amend line 6 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Tom Bass"**; and further amend lines 8-9 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: **"Tom Bass"**.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent--Senators			
Goode	Quick	Russell--3	
Absent with leave--Senators--None			

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Coleman, Days and Wheeler.

SA 18 failed of adoption by the following vote:

	YEAS--Senators		
Days	Jacob--2		
	NAYS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	Absent--Senators		
Bland	Goode	Quick	Russell--4
	Absent with leave--Senators--None		

Senator Jacob offered **SA 19**, which was read:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Annie White Baxter**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri" and inserting in lieu thereof the following: "**Annie White Baxter**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Annie White Baxter**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Annie White Baxter**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Annie White Baxter**"; and further amend line 6 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Annie White Baxter**"; and further amend lines 8-9 of said page, by striking the word "Missouri" and inserting in lieu thereof the following: "**Annie White Baxter**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Coleman and Days.

SA 19 failed of adoption by the following vote:

	YEAS--Senators		
Bray	Days--2		
	NAYS--Senators		
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	

Bland	Absent--Senators		
Russell--5	Goode	Jacob	Quick
	Absent with leave--Senators--None		

Senator Gross assumed the Chair.

Senator Bray offered **SA 20**, which was read:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: "**Laura Ingalls Wilder**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: "**Laura Ingalls Wilder**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**Laura Ingalls Wilder**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**Laura Ingalls Wilder**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**Laura Ingalls Wilder**"; and further amend line 6 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**Laura Ingalls Wilder**"; and further amend lines 8-9 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**Laura Ingalls Wilder**".

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Days, Jacob and Stoll.

SA 20 failed of adoption by the following vote:

	YEAS--Senators		
Bray	Coleman	Days	Dougherty
Jacob	Kennedy	Stoll--7	
	NAYS--Senators		
Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--25			
	Absent--Senators		
Goode	Quick--2		
	Absent with leave--Senators--None		

Senator Jacob offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 1, Section 174.020, Line 11 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: "**James H. Birch**"; and

Further amend said bill, Page 2, Section 174.450, Line 20 of said page, by striking "[Southwest] Missouri State" and inserting in lieu thereof the following: "**James H. Birch**"; and

Further amend said bill and section, page 3, line 11 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**James H. Birch**"; and

Further amend said bill, Page 3, Section 1, Line 24 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**James H. Birch**"; and

Further amend said bill and section, Page 4, Line 2 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**James H. Birch**"; and further amend line 6 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**James H. Birch**"; and further amend lines 8-9 of said page, by striking the word "Missouri State" and inserting in lieu thereof the following: "**James H. Birch**".

Senator Jacob moved that the above amendment be adopted.

Senator Shields assumed the Chair.

At the request of Senator Jacob, **SA 21** was withdrawn.

Senator Bartle assumed the Chair.

Senator Champion offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 714 and 761, Page 3, Section 1, Line 27, by inserting after the word "and" the word "**cooperative**"; and

Further amend said section, page 4, line 6, by inserting a comma after the word "University" and by striking the words "or with" and inserting in lieu thereof the words "subject to".

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SS** for **SCS** for **SBs 714** and **761**, as amended, be adopted, which motion prevailed.

Senator Kinder moved that **SS** for **SCS** for **SBs 714** and **761**, as amended, be declared perfected and ordered printed.

Senator Jacob requested a roll call vote be taken on the perfection motion made by Senator Kinder and was joined in his request by Senators Callahan, Coleman, Days and Kennedy.

SS for **SCS** for **SBs 714** and **761**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--27	

Bray	NAYS--Senators	Gross	Jacob--4
	Days		
	Absent--Senators		
Goode	Quick	Wheeler--3	
	Absent with leave--Senators--None		

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

COMMUNICATIONS

Senator Gibbons submitted the following:

To Be Included in the Senate Journal for

Tuesday, February 3, 2004

Senator Kinder proposed the following terms for disposition of certain issues during this session of the General Assembly:

1. SS/SCS/SBs 714 & 761 as amended (the "Name Change Bill") to be put to a vote tonight and, if passed by the Senate, perfected tonight.
2. The Name Change Bill, to be referred to the Senate Committee on Rules, Joint Rules, Resolutions and Ethics.
3. A new bill to be filed on February 4, 2004, to include provision for the life sciences bonding issue for the four campuses of the University of Missouri and to include provision for the University of Missouri hotel/convention center land lease (the "Bonding Bill").
4. The Name Change Bill to stay in the Senate Rules Committee until such time as the Bonding Bill is Truly Agreed and Finally Passed by both the Senate and the House, without regard to whether the hotel/convention center provisions remain on the Bonding Bill. Senator Kinder and Senator Gibbons agree not to take action against the hotel/convention center provisions.
5. At such time as the Name Change Bill comes to the Senate Floor for Third Reading, Senator Jacob agrees that he will neither conduct nor participate in any dilatory action on the bill.

Senator Gibbons, Senator Kinder and Senator Jacob agreed to abide by the above terms.

At the request of Senator Gibbons, the above terms of the Agreement shall be placed in the Journal of the Senate.

/s/ Peter Kinder

/s/ Michael R. Gibbons

/s/ Ken Jacob

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Jane Britton and thirty-five fourth and eighth grade students from Pettis County R-12 School, Sedalia.

Senator Russell introduced to the Senate, sixty high school students and adults representing the Oregon County Youth Summit.

Senator Griesheimer introduced to the Senate, Kathy Valeu and her children, Sullivan; and Kathy Henkle and her

children, St. Clair.

Senator Scott introduced to the Senate, Jesse Wedemeyer, Kendra Lake, Jordan Liesemeyer, Katie Allcorn, Ben Young, and students from Applewood Christian School, Sedalia.

Senator Scott introduced to the Senate, Randy Wilson, Colorado Springs, Colorado.

Senator Champion introduced to the Senate, Dennis Coons, Springfield.

Senator Clemens introduced to the Senate, Sarah Horton, and her mother, Jeannie, Mountain Grove.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY-WEDNESDAY, FEBRUARY 4, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 1101-Steelman, et al

SB 1102-Steelman and Jacob

SB 1103-Steelman

SB 1104-Steelman

SB 1105-Shields

SB 1106-Shields

SB 1107-Shields

SRB 1108-Bartle

SB 1109-Coleman

SB 1111-Klindt

SB 1112-Clemens

SB 1113-Loudon

SB 1114-Loudon

SB 1115-Loudon

SB 1116-Stoll

SB 1117-Stoll

SB 1118-Cauthorn

SB 1119-Cauthorn

SB 1120-Cauthorn

SB 1121-Cauthorn

SB 1124-Goode and Steelman

SB 1125-Goode

SB 1126-Russell

SB 1127-Cauthorn

SB 1130-Scott

SB 1131-Steelman

SB 1132-Steelman, et al

SB 1133-Foster, et al

SB 1134-Foster, et al

SB 1135-Foster, et al

SB 1136-Vogel

SB 1137-Vogel

SB 1138-Bartle

SB 1139-Mathewson

SB 1140-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1145-Kennedy

SB 1146-Dougherty and Griesheimer

SB 1147-Dougherty and Bartle

SB 1148-Dougherty, et al

SB 1149-Dougherty

SB 1150-Goode

SB 1152-Steelman

SB 1153-Cauthorn

SB 1154-Cauthorn and Wheeler

SB 1155-Cauthorn

SB 1156-Caskey

SB 1157-Scott

SB 1158-Bray, et al

SB 1159-Foster and Dougherty

SB 1160-Shields, et al

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1164-Jacob, et al

SB 1165-Russell

SB 1166-Caskey

SB 1167-Caskey

SB 1168-Jacob

SB 1169-Jacob

SB 1170-Shields

SB 1172-Gibbons, et al

SB 1173-Days, et al

SB 1174-Caskey

SB 1175-Yeckel

SB 1176-Shields

SB 1177-Klindt

SB 1178-Klindt

SB 1179-Steelman

SB 1180-Shields and Kinder

SB 1181-Yeckel

SB 1182-Dolan

SB 1183-Dolan

SB 1184-Griesheimer, et al

SB 1185-Gross

SB 1186-Bland and Days

SB 1187-Wheeler

SB 1188-Loudon

SB 1189-Scott

SB 1190-Caskey

SB 1191-Steelman

SB 1192-Steelman

SB 1193-Steelman

SB 1194-Vogel

SB 1195-Klindt

SB 1196-Klindt

SB 1197-Quick

SB 1198-Russell

SB 1199-Kennedy

SB 1200-Griesheimer

SB 1201-Cauthorn

SB 1202-Gibbons, et al

SJR 43-Klindt

SJR 45-Bartle and Gross

HOUSE BILLS ON SECOND READING

HB 969-Cooper, et al

THIRD READING OF SENATE BILLS

SB 739-Klindt

SENATE BILLS FOR PERFECTION

SB 1000-Bartle

SB 715-Childers and Caskey, with SCS

SB 990-Loudon, with SCS

SB 730-Gross and Champion, with SCS

SBs 1144, 919 & 874-Dolan, et al, with

SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 732-Gross

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 758-Griesheimer, with SCS

SB 769-Nodler

SB 782-Caskey, with SCS

SB 789-Childers, with SCS

SBs 942, 850 & 841-Nodler, with SCS

SB 762-Champion, with SCS

SB 955-Scott, with SCS

SB 770-Nodler

SB 1006-Goode, et al, with SCS

SB 767-Clemens, with SCS

SB 932-Loudon

SB 980-Bartle, with SCS

SB 1028-Cauthorn

RESOLUTIONS

Reported from Committee

SR 1118-Steelman and Nodler

SCR 23-Gross

SCR 24-Cauthorn, et al

SCR 25-Stoll, et al

SCR 26-Childers and Russell

HCR 5-Byrd, et al

Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY--WEDNESDAY, FEBRUARY 4, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Rejoice in your hope, be patient in tribulation, be constant in prayer. Contribute to the needs of the saints, practice hospitality." (Romans 12:12-13)

Heavenly Father, we began this day in prayer and recognize that the hope that You give us will not disappoint us. Remind us daily of Your expectations, to us whom much has been given, to do what You require of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and The Chart, MSSU, Joplin were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

Senator Shields assumed the Chair.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 1246, regarding Chief George Stevens and the Hollister Police Department, Hollister, which was adopted.

Senator Coleman offered Senate Resolution No. 1247, regarding to the death of Benjamin Lionel Goins, Sr., which was adopted.

Senator Dougherty offered Senate Resolution No. 1248, regarding Michael Morgan, St. Louis, which was adopted.

Senator Jacob offered Senate Resolution No. 1249, regarding Bekim Canhasi, Columbia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1250, regarding Ron Loesch, Mexico, which was adopted.

Senator Yeckel offered Senate Resolution No. 1251, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Irvin Etzold, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1252, regarding Eldonna DeWeese, Bolivar, which was adopted.

Senator Steelman moved that **SR 1118** be taken up for adoption, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Gross assumed the Chair.

Senator Bartle assumed the Chair.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1118, appearing on Page 108 of the Senate Journal for Wednesday, January 14, 2004, Column 2, Line 21, of said column, by striking the word "commits to" and inserting in lieu thereof the following: "**recommends that the Missouri Attorney General promptly**"; and further amend line 24 of said column, by inserting immediately after the word "rule" the following: "**on behalf of the state**".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senate Steelman moved that **SR 1118**, as amended, be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Gross moved that **SCR 23** be taken up for adoption, which motion prevailed.

Senator Nodler assumed the Chair.

On motion of Senator Gross, **SCR 23** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Stelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senators
Dolan Quick--2
Absent with leave--Senator Griesheimer--1

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1203-By Klindt.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof one new section relating to the release of escrow funds of non-participating tobacco manufacturers.

SB 1204-By Cauthorn and Loudon.

An Act to repeal section 290.305, RSMo, and to enact in lieu thereof one new section relating to the prevailing wage on public works.

SB 1205-By Cauthorn.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees, with an effective date.

SB 1206-By Stoll.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to employment history for health care, child care, and elder care providers.

SB 1207-By Stoll.

An Act to repeal sections 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, and 324.433, and to enact in lieu thereof nine new sections relating to interior designers.

SB 1208-By Stoll.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to effective involvement by parents and families in support of their children's education.

SB 1209-By Bland, Coleman and Bray.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to pension deductions, with an effective date.

SB 1210-By Bray, Days, Steelman, Yeckel, Champion, Bland and Coleman.

An Act to amend chapter 556, RSMo, by adding thereto seven new sections relating to human trafficking, with penalty provisions.

SB 1211-By Wheeler.

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to the service of summons in landlord/tenant actions.

SB 1212-By Wheeler.

An Act to authorize the governor to convey property owned by the state to the Truman Medical Center.

SB 1213-By Steelman and Gross.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to tobacco product manufacturers, with penalty provisions.

SB 1214-By Griesheimer.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to records exempt from public disclosure, with a termination date and an emergency clause.

SB 1215-By Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

SB 1216-By Kennedy.

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to retirement of members of the department of transportation.

SB 1217-By Bartle.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to special education services in school districts located at least partially in Jackson County.

SB 1218-By Quick.

An Act to repeal section 335.076, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

SB 1219-By Shields.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 1220-By Caskey.

An Act to repeal sections 50.334, 50.343, 51.281, 52.269, 53.082, 54.261, 54.320, and 58.095, RSMo, and to enact in lieu thereof eight new sections relating to maximum allowable compensation for certain county officials.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 1000** be taken up for perfection, which motion prevailed.

Senator Bartle offered **SS** for **SB 1000**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1000

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof five new sections relating to a DNA profiling system, with penalty provisions and an effective date for certain sections.

Senator Bartle moved that **SS** for **SB 1000** be adopted.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1000, Page 2, Section 488.5400, Line 17, by striking "Moneys from this fund"; and

Further amend line 18, by striking "shall be the only source of revenue" and insert in lieu thereof the following: "**No moneys from the state general revenue fund shall be**".

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1000, Page 9, Section 650.055, Line 25, by inserting at the end of said line the following: "**Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Bartle, **SB 1000**, with **SS**, as amended (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senators Russell, Childers, Quick, Dougherty, Coleman, Kinder, Caskey, Gibbons, Gross, Mathewson, Steelman, Foster, Stoll, Bland and Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

Relating to the renaming of a building at the Southeast Missouri Mental Health Center.

WHEREAS, the Southeast Missouri Mental Health Center is located near Farmington, Missouri; and

WHEREAS, the Center Building of the Southeast Missouri Mental Health Center has a bed capacity of one hundred eighty-six beds, plus forty beds in five adjacent group homes; and

WHEREAS, Southeast Missouri Mental Health Center maintains an Acute and Intermediate Care Unit and a Forensic Services Unit to provide a client environment that includes interdisciplinary treatment in the areas of psychiatry, psychiatric nursing, patient and family education, work therapy, a group home program, an interactive computer system, a fitness center and other services; and

WHEREAS, Danny Staples was a member of the House of Representatives for six years and a state Senator for twenty years representing the citizens of his district; and

WHEREAS, former Senator Danny Staples was a leader and instrumental in furthering the development of the Southeast Missouri Mental Health Center which provides treatment and care in the state of Missouri; and

WHEREAS, because of Senator Staples' efforts, the Southeast Missouri Mental Health Center is the modern treatment center that it is today; and

WHEREAS, Senator Staples deserves permanent recognition of his work on behalf of mental health treatment and care in the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate that the Center Building at the Southeast Missouri Mental Health Center at Farmington in St. Genevieve County shall hereinafter be known as the "Danny Staples Building"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for

the Governor for his approval or rejection pursuant to the Missouri Constitution, and if approved, notify the Director of the Missouri Department of Mental Health.

Read 1st time.

Senators Gibbons and Dougherty offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, research indicates that youth who drink before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, research indicates the median age at which children begin drinking in Missouri is 12.7 years old; and

WHEREAS, research indicates the highest prevalence of both binge and heavy drinking in recent years was for young adults aged 18 to 25, with the peak rate occurring at age 21; and

WHEREAS, research indicates teenagers and their parents are not well informed about alcohol's effects; and

WHEREAS, research indicates underage drinking is strongly correlated with sexual violence, automobile crashes, truancy, academic failure, dysfunctional family relationships, subsequent use of controlled substances, suicide, and other adverse consequences which take a heavy toll on our society:

NOW, THEREFORE, BE IT RESOLVED by members of the Missouri Senate, Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create a Joint Interim Committee on Underage Drinking; and

BE IT FURTHER RESOLVED that the joint interim committee shall study the current public and private efforts to combat underage drinking, evaluate their effectiveness, and make recommendations to the General Assembly on actions needed to attack successfully this great danger to our children; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of sixteen members, of which four shall be members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; four shall be members of the House of Representatives, of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader, with approval of the Speaker of the House of Representatives; two shall be representatives of the medical community who specialize in alcohol abuse and prevention, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two shall be representatives of the law enforcement community who work with schools in the prevention of alcohol abuse, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two community advocates, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and two high school students between the ages of 16 and 18 years, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and

BE IT FURTHER RESOLVED the President Pro Tem of the Senate and the Speaker of the House of Representatives shall collaborate to ensure that the membership of the joint interim committee reflects adequate minority and gender representation; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the members of the joint interim committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2004, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1221-By Kinder.

An Act to amend chapter 360, RSMo, by adding thereto two new sections relating to the University of Missouri system.

SB 1222-By Dougherty, Kennedy, Days, Bray, Bland, Wheeler, Coleman and Jacob.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay, with an effective date.

SB 1223-By Dougherty and Kennedy.

An Act to repeal section 453.025, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

SB 1224-By Dougherty.

An Act to repeal sections 167.020 and 431.056, RSMo, and to enact in lieu thereof two new sections relating to homeless youth.

SB 1225-By Dougherty, Coleman and Kennedy.

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers.

SB 1226-By Callahan.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to convicted criminals seeking or holding public office.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 1101--Education.

SB 1102--Ways and Means.

SB 1103--Commerce and the Environment.

SB 1104--Economic Development, Tourism and Local Government.

SB 1106--Economic Development, Tourism and Local Government.

SB 1107--Economic Development, Tourism and Local Government.

SRB 1108--Judiciary and Civil and Criminal Jurisprudence.

SB 1109--Education.

SB 1111--Judiciary and Civil and Criminal Jurisprudence.

SB 1112--Education.

SB 1113--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1115--Transportation.

SB 1116--Commerce and the Environment.

SB 1117--Judiciary and Civil and Criminal Jurisprudence.

SB 1118--Agriculture, Conservation, Parks and Natural Resources.

SB 1120--Commerce and the Environment.

SB 1124--Commerce and the Environment.

SB 1125--Commerce and the Environment.

SB 1126--Small Business, Insurance and Industrial Relations.

SB 1130--Pensions and General Laws.

SB 1131--Commerce and the Environment.

SB 1132--Commerce and the Environment.

SB 1133--Education.

SB 1135--Education.

SB 1136--Economic Development, Tourism and Local Government.

SB 1138--Judiciary and Civil and Criminal Jurisprudence.

SB 1140--Education.

SB 1146--Transportation.

SB 1147--Judiciary and Civil and Criminal Jurisprudence.

SB 1148--Aging, Families, Mental and Public Health.

SB 1150--Ways and Means.

SB 1155--Commerce and the Environment.

SB 1158--Aging, Families, Mental and Public Health.

SB 1159--Aging, Families, Mental and Public Health.

SB 1160--Aging, Families, Mental and Public Health.

SB 1164--Ways and Means.

SB 1165--Ways and Means.

SB 1166--Judiciary and Civil and Criminal Jurisprudence.

SB 1167--Judiciary and Civil and Criminal Jurisprudence.

SB 1172--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1173--Small Business, Insurance and Industrial Relations.

SB 1175--Judiciary and Civil and Criminal Jurisprudence.

SB 1176--Economic Development, Tourism and Local Government.

SB 1177--Commerce and the Environment.

SB 1178--Agriculture, Conservation, Parks and Natural Resources.

SB 1186--Commerce and the Environment.

SJR 45--Judiciary and Civil and Criminal Jurisprudence.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 3, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ralph G. Biele, Republican, 826 Dean Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Gaming Commission, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Robert Smith, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1253, regarding Danny Vinyard, Scott City, which was adopted.

Senator Kinder offered Senate Resolution No. 1254, regarding Michelle Vinyard, Scott City, which was adopted.

Senator Kinder offered Senate Resolution No. 1255, regarding Jason Eftink, Scott City, which was adopted.

Senator Kinder offered Senate Resolution No. 1256, regarding Shawn Eftink, Scott City, which was adopted.

Senator Loudon offered Senate Resolution No. 1257, regarding James Joyce, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1258, regarding Andrea Johnson, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1259, regarding Suzanne Joyce, Chesterfield, which was adopted.

Senator Dolan offered Senate Resolution No. 1260, regarding Dave Phillips, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Marsha Boesch, Sedalia.

Senator Childers introduced to the Senate, Ross Summers, Branson.

Senator Kinder introduced to the Senate, Jaynee, Dennis and Tori Browning, Frank and Martha Bertrand, Melinda Sanders and Susan Pritchard-Green, Cape Girardeau.

Senator Kinder introduced to the Senate, Mr. and Mrs. Ned Matthews, Sikeston.

Senator Kinder introduced to the Senate, Jon Rust, Cape Girardeau.

On behalf of Senator Wheeler and herself, Senator Bland introduced to the Senate, William Carson and former Mayor Richard L. Berkley, Kansas City.

Senator Gibbons introduced to the Senate, Thomas Duckworth, Webster Groves.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY-THURSDAY, FEBRUARY 5, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 844-Yeckel

SB 877-Goode and Days

SB 1105-Shields

SB 1114-Loudon

SB 1119-Cauthorn

SB 1121-Cauthorn

SB 1127-Cauthorn

SB 1134-Foster, et al

SB 1137-Vogel

SB 1139-Mathewson

SB 1141-Loudon

SB 1142-Dolan

SB 1143-Dolan

SB 1145-Kennedy

SB 1149-Dougherty

SB 1152-Steelman

SB 1153-Cauthorn

SB 1154-Cauthorn and Wheeler

SB 1156-Caskey

SB 1157-Scott

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1168-Jacob

SB 1169-Jacob

SB 1170-Shields

SB 1174-Caskey

SB 1179-Steelman

SB 1180-Shields and Kinder

SB 1181-Yeckel

SB 1182-Dolan

SB 1183-Dolan

SB 1184-Griesheimer, et al

SB 1185-Gross

SB 1187-Wheeler

SB 1188-Loudon

SB 1189-Scott

SB 1190-Caskey

SB 1191-Steelman

SB 1192-Steelman

SB 1193-Steelman

SB 1194-Vogel

SB 1195-Klindt

SB 1196-Klindt

SB 1197-Quick

SB 1198-Russell

SB 1199-Kennedy

SB 1200-Griesheimer

SB 1201-Cauthorn

SB 1202-Gibbons, et al

SB 1203-Klindt

SB 1204-Cauthorn and Loudon

SB 1205-Cauthorn

SB 1206-Stoll

SB 1207-Stoll

SB 1208-Stoll

SB 1209-Bland, et al

SB 1210-Bray, et al

SB 1211-Wheeler

SB 1212-Wheeler

SB 1213-Steelman and Gross

SB 1214-Griesheimer

SB 1215-Griesheimer

SB 1216-Kennedy

SB 1217-Bartle

SB 1218-Quick

SB 1219-Shields

SB 1220-Caskey

SB 1221-Kinder

SB 1222-Dougherty, et al

SB 1223-Dougherty and Kennedy

SB 1224-Dougherty

SB 1225-Dougherty, et al

SB 1226-Callahan

SJR 43-Klindt

HOUSE BILLS ON SECOND READING

HB 969-Cooper, et al

THIRD READING OF SENATE BILLS

SB 739-Klindt

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey,

with SCS

SB 990-Loudon, with SCS

SB 730-Gross and Champion,

with SCS

SBs 1144, 919 & 874-Dolan, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 732-Gross

SB 1000-Bartle, with SS

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 758-Griesheimer, with SCS

SB 769-Nodler

SB 782-Caskey, with SCS

SB 789-Childers, with SCS

SBs 942, 850 & 841-Nodler,
with SCS

SB 762-Champion, with SCS

SB 955-Scott, with SCS

SB 770-Nodler

SB 1006-Goode, et al, with SCS

SB 767-Clemens, with SCS

SB 932-Loudon

SB 980-Bartle, with SCS

SB 1028-Cauthorn

RESOLUTIONS

To be Referred

SCR 35-Russell, et al

SCR 36-Gibbons and Dougherty

Reported from Committee

SCR 24-Cauthorn, et al

SCR 25-Stoll, et al

SCR 26-Childers and Russell

HCR 5-Byrd, et al

(Russell)

Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY--THURSDAY, FEBRUARY 5, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Let day speak, and many years teach wisdom. But it is the spirit in a man the breath of the Almighty, that makes him understand." (Job 32:7-8)

Lord, we know that each day You teach us of life and our place in it. Let us always be open to Your teachings and make ourselves available to learn of Your Word. Bless our work this day and travel with us as we return home to those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

Senator Gross requested unanimous consent of the Senate to have the Senate Journal for January 28, 2004, reflect his attendance at the Joint Session on the State of Transportation, which request was granted.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1261, regarding Karen Davies, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1262, regarding Cary L. Clark, Leawood, Kansas, which was adopted.

Senator Wheeler offered Senate Resolution No. 1263, regarding the Coterie Theatre, Kansas City, which was adopted.

Senator Gross offered Senate Resolution No. 1264, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Beck, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1265, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Peitz, St. Charles, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 24** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 24** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Scott--1			
Absent with leave--Senators--None			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1227-By Russell, Goode and Kinder.

An Act to authorize, pursuant to Section 21.527, RSMo, the commencement of certain projects to be funded from bond proceeds subject to the provisions of Sections 360.010 to 360.140.

SB 1228-By Gibbons.

An Act to repeal sections 589.410 and 589.425, RSMo, and to enact in lieu thereof two new sections relating to a sexual offender registry website.

SB 1229-By Caskey.

An Act to repeal section 221.111, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of certain substances in correctional facilities, with penalty provisions.

SB 1230-By Clemens and Griesheimer.

An Act to repeal sections 130.016 and 130.046, RSMo, and to enact in lieu thereof two new sections relating to exemptions from campaign finance requirements.

SB 1231-By Clemens, Griesheimer and Nodler.

An Act to repeal section 324.484, RSMo, and to enact in lieu thereof one new section relating to the exemption of dentists from acupuncture licensing requirements.

SB 1232-By Clemens, Shields, Cauthorn, Griesheimer and Nodler.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to the competitive government act.

SB 1233-By Dolan.

An Act to repeal sections 21.795, 301.132, 301.144, 301.463, 301.2999, and 301.3098, RSMo, and to enact in lieu thereof twenty-six new sections relating to motor vehicle registration.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which were referred **SB 1020**, **SB 889** and **SB 869**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 718**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1080**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1099**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SJR 44**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields assumed the Chair.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Quentin C. Wilson, as a member of the Midwestern Higher Education Commission;

Also,

Randall H. Sammons, Ruby M. Mehrer and Joan S. Eberhardt, R.N., B.S.N., M.A., C.C.R.N., as members of the State Advisory Council on Emergency Medical Services;

Also,

Lisa M. Atkins, as a member of the Organ Donation Advisory Committee;

Also,

Rodney L. Beard, as public member of the State Banking Board;

Also,

Richard A. Clemens, Mari Ann Bihr, Daniel L. Vornberg, Charles W. Tyler, Diliane Charles Pelikan, Gail Brown-Rozelle, Fred L. McClure, III, William M. Fry, Jr., Gary W. Maienschein, Derotha G. Skaggs, Charles "Gil" Copley, Timothy J. Klotz and Mary K. Matalone, as members of the Advisory Committee on Lead Poisoning;

Also,

Ajamu K. Webster, Henry D. Shannon, Mary Virginia Moore Johnson and Miguel Meneses, as members of the Missouri Training and Employment Council;

Also,

Tracy Maria Reed, D.P.M., as a member of the State Board of Podiatric Medicine;

Also,

Laurie B. Donovan, Nanci A. Bobrow, Ph.D., Robert H. Marty and Terry Bloomberg, as members of the Children's Trust Fund Board;

Also,

India Daniele Jeffrey, as a student representative and Edward C. Matthews, III, as a member of the Southeast Missouri State University Board of Regents;

Also,

Jayne D. Browning and William F. Horn, Jr., as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Raymond Doswell, Marcia L. Bennett- Hazelrigg, David E. Richards, Robert P. Neumann, Jeannette A. Zinkgraf, Steven Philip Gietschier, Ph.D., Joseph L. Adams, Benedict K. Zobrist, Ph.D. and Nicola J. Longford, as members of the State Historical Records Advisory Board;

Also,

Gary S. Gottesman, Morey A. Blinder, M.D., Richard Ephraim Hillman, M.D. and Tracy Maria Reed, D.P.M., as members of the Missouri Genetic Disease Advisory Committee;

Also,

Dayna M. Stock, as a member of the State Board of Optometry;

Also,

Linda Picou, Sharon A. Robinson and Herbert W. Martin, as members of the Workers' Compensation Determinations Review Board;

Also,

Raymond J. Mungenast and Bradley D. Freeman, M.D., as members of the Missouri Head Injury Advisory Council;

Also,

Michael D. Baker, Oliver G. Boyer and Brian C. Hauswirth, as members of the Amber Alert System Oversight Committee;

Also,

George Hartsfield, as a member of the Missouri Gaming Commission;

Also,

Conrad H. Sutton and Thomas D. Greenwell, as members of the Corrections Officer Certification Commission;

Also,

Peter W. Hofherr, as Director of the Department of Agriculture;

Also,

Dana M. Hardy and Andres Marin Dominguez, as members of the Missouri Community Service Commission;

Also,

Terry L. Jackson, Ph.D., Pamela J. Schneeflock and George V. Boyle, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Richard B. Edging, Ph.D. and Lenora N. Gaydusek, as members of the Unmarked Human Burial Consultation Committee;

Also,

Kelli A. Wolf, as student representative of the Southwest Missouri State University Board of Governors;

Also,

Kevin D. DeSain, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Angela H. da Silva, as a member of the St. Louis City Board of Election Commissioners;

Also,

William "Bill" Carson and Richard L. Berkley, as members of the Jackson County Sports Complex Authority;

Also,

Marie E. Carter and Terri L. Powell, as members of the State Committee of Dietitians;

Also,

James B. Chappell, as a member of the Clay County Board of Election Commissioners;

Also,

Susan M. Abdel-Rahman, Pharm.D., as a member of the Drug Utilization Review Board;

Also,

William J. Baker, as Chairman and Tammy L. Brown, as a member of the Jackson County Board of Election Commissioners;

Also,

E. Maxine Thompson, as a member of the Missouri Dental Board;

Also,

Terri R. Gray, as a member of the Missouri Women's Council;

Also,

Chester A. Culley, as a member of the Missouri Emergency Response Commission;

Also,

Maria I. Gomez, as a member of the Child Abuse and Neglect Review Board;

Also,

Karen M. Luebbert, Ph.D., as a member of the Missouri Higher Education Loan Authority;

Also,

Sherri A. Robins, as a member of the State Lottery Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 762**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 955**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 33**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 1000**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 1000**, as amended, was again taken up.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1000, Page 8, Section 650.055, Line 15, of said page, by striking said line and inserting in lieu thereof the following:

"(1) Peace officers, as defined in section 590.010, RSMo, and other employees of law enforcement agencies who need to obtain such records to perform their public duties;"; and further amend Lines 19 to 22 of said page, by striking said lines and inserting in lieu thereof the following:

"in chapter 56, RSMo and their employees who need to obtain such records to perform their public duties; or

(4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court judges, and their employees who need to obtain such records to perform their public duties."

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 1000, Page 10, Section 650.055, Line 9, by striking **"twelve thousand dollars"** and inserting in lieu thereof the following: **"an amount equal to the U.S. Department of Health and Human Services federal poverty guidelines for each year of incarceration"**.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SS** for **SB 1000**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SS** for **SB 1000**, as amended, was declared perfected and ordered printed.

THIRD READING OF

CONCURRENT RESOLUTIONS

HCR 5, introduced by Representative Byrd, et al, entitled:

An Act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010 relating to State of Missouri Vendor Payroll Deductions, with an emergency clause.

Was taken up by Senator Russell.

Senator Gross assumed the Chair.

Senator Childers assumed the Chair.

Senator Gross assumed the Chair.

On motion of Senator Russell, **HCR 5** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
NAYS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll--13			
Absent--Senator Wheeler--1			
Absent with leave--Senators--None			

The President declared the concurrent resolution passed.

On motion of Senator Russell, title to the concurrent resolution was agreed to.

Senator Russell moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 35--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SCR 36** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 1082** to the Committee on Economic Development, Tourism and Local Government.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 844--Pensions and General Laws.

SB 1127--Pensions and General Laws.

SB 1141--Pensions and General Laws.

SB 1143--Transportation.

SB 1145--Transportation.

SB 1149--Judiciary and Civil and Criminal Jurisprudence.

SB 1152--Commerce and the Environment.

SB 1153--Agriculture, Conservation, Parks and Natural Resources.

SB 1154--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1180--Economic Development, Tourism and Local Government.

SB 1184--Ways and Means.

SB 1188--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1191--Judiciary and Civil and Criminal Jurisprudence.

SB 1193--Transportation.

SB 1195--Judiciary and Civil and Criminal Jurisprudence.

SB 1197--Economic Development, Tourism and Local Government.

SB 1198--Ways and Means.

SB 1201--Transportation.

SB 1221--Appropriations.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 7, 2004 for your advice and consent:

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until his successor is duly appointed and qualified; vice, Stacy A. Mangum, withdrawn.

Linda Taylor Allen, Ph.D., 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Linda Taylor Allen,

Ph.D., withdrawn.

Walter Foster, Jr., 21513 Highway 17, Waynesville, Pulaski County, Missouri 65883, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 217.105.

Judith D. Riehl, 3248 Patterson Place Drive #307, St. Louis, St. Louis County, Missouri 63129, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, Jonathan VanderBrug, term expired.

Terry D. Milam, 805 Chateau Valley Court, Ferguson, St. Louis County, Missouri 63135, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 210.1012.

Suzanne Wells, R.N., 534 Sheffield, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, Donna Evert, resigned.

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Sheldon Lee Lineback, 337 Hutton Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 210.1012.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 950** and **948**, entitled:

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to classifications of counties, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1182**, entitled:

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1177**, entitled:

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, and 644.016, RSMo, and to enact in lieu thereof nine new sections relating to concentrated animal feeding operations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1234-By Mathewson.

An Act to repeal sections 100.255, 100.260, 100.270, 100.275, 100.281, 135.545, and 620.1039, RSMo, and to enact in lieu thereof fourteen new sections relating to job creation.

SB 1235-By Loudon.

An Act to repeal sections 375.246, 375.1176, 375.1198, and 375.1220, RSMo, and to enact in lieu thereof four new sections relating to insurer liquidation law, with penalty provisions.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1266, regarding Leonard Rexroad, Fairplay, which was adopted.

Senator Scott offered Senate Resolution No. 1267, regarding Raymond "Max" Davolt, Fairplay, which was adopted.

Senator Bartle offered Senate Resolution No. 1268, regarding Zakariah William "Zak" Ray, Lee's Summit, which was adopted.

Senator Klindt offered Senate Resolution No. 1269, regarding Corrections Officer I Jeff Carter, Cameron, which was adopted.

Senator Klindt offered Senate Resolution No. 1270, regarding Tim McCann, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 1271, regarding Redwan Youssef, M.D., Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 1272, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Orla Walker, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 1273, regarding Corrections Officer I Donald Stiles, Clarksdale, which was adopted.

Senator Klindt offered Senate Resolution No. 1274, regarding Corrections Officer I John Pierick, Cameron, which was adopted.

Senator Klindt offered Senate Resolution No. 1275, regarding Corrections Officer III Cody Ross, Cameron, which was adopted.

COMMUNICATIONS

Senator Kinder submitted the following:

February 4, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to the Missouri Advisory Council on

Pain and Symptom Management

Dear Terry,

Pursuant to Section 192.350, RSMo 2002, I am appointing the following Senators to the Missouri Advisory Council on Pain and Symptom Management:

Senator Norma Champion

Senator Harry Kennedy

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Carolyn Koenigsfeld, Carolyn Winthorst, Art Ehrhardt, Harold Raithel, Janis Deimeke, Norma Hackamack, Willard Heseman, Barb Wilson, Jack Maxwell and Joyce Patterson, Farm Bureau leaders from around the state.

Senator Cauthorn introduced to the Senate, Barb Wilson, Mexico; and Janis Deimeke, Laddonia.

Senator Cauthorn introduced to the Senate, Bobby McCutcheon, Sturgeon.

Senator Childers introduced to the Senate, County Commissioners from Taney and Ozark counties.

Senator Jacob introduced to the Senate, Joe Kelly, Columbia; and Joe was made an honorary page.

Senator Bland introduced to the Senate, Rosalind Guy, St. Louis.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Monday, February 9, 2004.

SENATE CALENDAR

EIGHTEENTH DAY-MONDAY, FEBRUARY 9, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers

SB 787-Childers

SB 877-Goode and Days

SB 1105-Shields

SB 1114-Loudon

SB 1119-Cauthorn

SB 1121-Cauthorn

SB 1134-Foster, et al

SB 1137-Vogel

SB 1139-Mathewson

SB 1142-Dolan

SB 1156-Caskey

SB 1157-Scott

SB 1161-Jacob

SB 1162-Jacob

SB 1163-Jacob

SB 1168-Jacob

SB 1169-Jacob

SB 1170-Shields

SB 1174-Caskey

SB 1179-Steelman

SB 1181-Yeckel

SB 1182-Dolan

SB 1183-Dolan

SB 1185-Gross

SB 1187-Wheeler

SB 1189-Scott

SB 1190-Caskey

SB 1192-Steelman

SB 1194-Vogel

SB 1196-Klindt

SB 1199-Kennedy

SB 1200-Griesheimer

SB 1202-Gibbons, et al

SB 1203-Klindt

SB 1204-Cauthorn and Loudon

SB 1205-Cauthorn

SB 1206-Stoll

SB 1207-Stoll

SB 1208-Stoll

SB 1209-Bland, et al

SB 1210-Bray, et al

SB 1211-Wheeler

SB 1212-Wheeler

SB 1213-Steelman and Gross

SB 1214-Griesheimer

SB 1215-Griesheimer
SB 1216-Kennedy
SB 1217-Bartle
SB 1218-Quick
SB 1219-Shields
SB 1220-Caskey
SB 1222-Dougherty, et al
SB 1223-Dougherty and Kennedy
SB 1224-Dougherty
SB 1225-Dougherty, et al
SB 1226-Callahan
SB 1227-Russell, et al
SB 1228-Gibbons
SB 1229-Caskey
SB 1230-Clemens and Griesheimer
SB 1231-Clemens, et al
SB 1232-Clemens, et al
SB 1233-Dolan
SB 1234-Mathewson
SB 1235-Loudon
SJR 43-Klindt

HOUSE BILLS ON SECOND READING

HB 969-Cooper, et al
HCS for HBs 950 & 948

HCS for HB 1182
HCS for HB 1177

THIRD READING OF SENATE BILLS

SB 739-Klindt

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey,

with SCS

SB 990-Loudon, with SCS

SB 730-Gross and Champion, with SCS

SBs 1144, 919 & 874-Dolan, et al,

with SCS

SBs 1020, 889 & 869-Steelman, et al,

with SCS

SB 718-Yeckel, et al

SB 1080-Nodler, et al

SB 1099-Gibbons, et al, with SCS

SJR 44-Dolan, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 732-Gross

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 758-Griesheimer, with SCS

SB 769-Nodler

SB 782-Caskey, with SCS

SB 789-Childers, with SCS

SBs 942, 850 & 841-Nodler,

with SCS

SB 770-Nodler

SB 1006-Goode, et al,

with SCS

SB 767-Clemens, with SCS

SB 932-Loudon

SB 980-Bartle, with SCS

SB 1028-Cauthorn

RESOLUTIONS

Reported from Committee

SCR 25-Stoll, et al

SCR 26-Childers and Russell

SCR 33-Kinder

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY--MONDAY, FEBRUARY 9, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"... I will bless you and make your name great, so that you will be a blessing." (Genesis 12:2)

Gracious God, as we begin a new week we do ask Your blessings on us so that we might do what is required of us and benefit to those we serve. And we pray for our doorman, Fred Fisher, as he undergoes surgery. Guide the hands of the surgeons and touch him with Your healing power. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 5, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1276, regarding the Church of Scientology of Missouri, St. Louis, which was adopted.

Senator Dougherty offered Senate Resolution No. 1277, regarding the One Hundred Second Birthday of Maggie Sawyer, St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 1278, regarding Mike Kelly, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1279, regarding the Fifty-second Wedding Anniversary of Mr. and Mrs. Ray "Goose" Gilliam, St. Charles, which was adopted.

Senator Steelman offered Senate Resolution No. 1280, regarding the One Hundred Third Birthday of Goldie Foster, Owensville, which was adopted.

Senator Steelman offered Senate Resolution No. 1281, regarding Corrections Officer II Earl E. Wieprecht, St. Robert, which was adopted.

Senator Steelman offered Senate Resolution No. 1282, regarding Andrew D. Harrison, Rolla, which was adopted.

CONCURRENT RESOLUTIONS

Senator Stoll moved that **SCR 25** be taken up for adoption, which motion prevailed.

On motion of Senator Stoll, **SCR 25** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Dolan	Mathewson--2		
Absent with leave--Senator Clemens--1			

Senator Childers moved that **SCR 26** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Childers offered **SS** for **SCR 26**, entitled:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 26

Relating to the Forestry Utilization Committee.

WHEREAS, the forestry industry is a vital industry to Missouri, representing over fourteen million acres of Missouri timberland, which ranks our state seventh out of the twenty northeastern timber states, supports the bulk of Missouri recreation and tourism, directly provides thousands of jobs and supports tens of thousands of jobs where forest land and products are a vital component, directly generates three billion dollars of revenue, and indirectly supports the generation of many more billions of dollars in revenue; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic contribution of this industry while making every attempt to minimize environmental harm and other negative aspects of the industry; and

WHEREAS, the industries' current practice of harvesting sixty percent of the tree, and its predominant production of low value-added products,

limits the potential economic contribution to industry participants and to the state; and

WHEREAS, there exists a need for a study of the potential for increased industrial strength and rural economic gains to be realized by forestry adopting modern industrial business models and value-added techniques:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a "Forestry Utilization Committee", which shall review and evaluate both the industrial and economic impact of forestry utilization and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such committee shall be composed of twenty-three members, one member to be a member of the Missouri Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the Missouri House of Representatives to be appointed by the Speaker of the House, two county commissioners appointed by the Missouri Association of Counties, two forest landowners representing small forestry holdings with owners of less than two hundred acres of timber and two representatives of large forestry holdings with greater than two hundred acres of timber, both to be appointed by the Missouri Farm Bureau, a representative from the Resource Conservation and Development Councils, a representative from the Missouri Department of Natural Resources' Energy Center, a representative from the Missouri Enterprise Business Assistance Center, a representative of the United States Department of Agriculture Forest Service's North Central Forest Experimental Station, a representative of the University of Missouri's School of Natural Resources, a representative of the Society of American Foresters, a representative from the Missouri Department of Conservation's Division of Forestry, a representative of the Missouri Forest Products Association, a representative of the Missouri Department of Agriculture's Business Development Division, two representatives of a large-volume active sawmill and two representatives of a small-volume active sawmill appointed by the Missouri Forest Products Association, a representative of the School of Agricultural Sciences at Southwest Missouri State University and a representative of the Department of Agriculture, School of Polytechnic Studies at Southeast Missouri State University. Each member of the committee shall serve until December 31, 2005. A chairman, vice-chairman, and secretary shall be elected by the membership of the committee to conduct the business of the committee; and

BE IT FURTHER RESOLVED that the committee may conduct its business by various means but shall meet no less than twice each year as a full committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the committee in carrying out its duties, including allowing access to closed records, provided that the committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order, and any such information in the custody of the committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide minimal funding, administrative support, and staff for the effective operation of the committee; and

BE IT FURTHER RESOLVED that the committee shall study problems and solutions, collect information, and provide recommendations in a report to the General Assembly before July 30, 2005; and

BE IT FURTHER RESOLVED that the committee shall submit its final report to the General Assembly no later than December 31, 2005; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution.

Senator Childers moved that **SS** for **SCR 26** be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

On motion of Senator Childers, **SS** for **SCR 26** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Callahan	Caskey
Cauthorn	Childers	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy

Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--28
	NAYS--Senators		
Bray	Wheeler--2		
	Absent--Senators		
Champion	Dolan	Quick--3	
	Absent with leave--Senator Clemens--1		

The President declared the concurrent resolution passed.

On motion of Senator Childers, title to the concurrent resolution was agreed to.

Senator Childers moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

Senator Kinder moved that **SCR 33** be taken up for adoption, which motion prevailed.

On motion of Senator Kinder, **SCR 33** was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senator Clemens--1		

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1236-By Kennedy, Steelman and Wheeler.

An Act to amend chapter 334, RSMo, by adding thereto nine new sections relating to the medical imaging and radiation therapy quality assurance act, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 951**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 952**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1012**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1062**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1075**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 886**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 808**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 741**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Government Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Government Accountability and Fiscal Oversight, to which was referred **SB 1100**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1052**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 703**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 781**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 827**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 803**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1093**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 783**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 837**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 859**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 799**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 878**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 1000**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 739, introduced by Senator Klindt, entitled:

An Act to amend chapter 640, RSMo, by adding thereto four new sections relating to environmental regulation.

Was taken up.

On motion of Senator Klindt, **SB 739** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steeleman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators		
Bland	Bray	Days	Dougherty--4
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 758, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to tourism taxes.

Was called from the Consent Calendar and taken up.

SCS for **SB 758**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 758

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to tourism taxes.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 758** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 758** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 769, introduced by Senator Nodler, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of road districts in certain counties.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 769** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler--31	

NAYS--Senators--None

Absent--Senators

Coleman

Quick

Yeckel--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 782, with **SCS**, introduced by Senator Caskey, entitled:

An Act to amend chapter 54, RSMo, by adding thereto one new section relating to county treasurers.

Was called from the Consent Calendar and taken up.

SCS for **SB 782**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 782

An Act to repeal sections 54.150, 54.170, and 54.261, RSMo, and to enact in lieu thereof four new sections relating to county treasurers.

Was taken up.

Senator Caskey moved that **SCS** for **SB 782** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 782** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Coleman

Quick--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 789, with **SCS**, introduced by Senator Childers, entitled:

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to county classification.

Was called from the Consent Calendar and taken up.

SCS for **SB 789**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 789

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to county classification, with an emergency clause.

Was taken up.

Senator Childers moved that **SCS** for **SB 789** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 789** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 942, introduced by Senator Nodler, **SB 850**, introduced by Senator Steelman and **SB 841**, introduced by Senator Childers, with **SCS**, entitled respectively:

An Act to authorize the governor to convey a tract of land owned by the state to the city of Neosho.

An Act to authorize the governor to convey a tract of land owned by the state to the city of Salem.

An Act to authorize the governor to convey a tract of land owned by the state to Pierce City, with an emergency

clause.

Were called from the Consent Calendar and taken up by Senator Nodler.

SCS for SBs 942, 850 and 841, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 942, 850 and 841

An Act to authorize the governor to convey certain tracts of state property, with an emergency clause for certain sections.

Was taken up.

Senator Nodler moved that SCS for SBs 942, 850 and 841 be adopted, which motion prevailed.

On motion of Senator Nodler, SCS for SBs 942, 850 and 841 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Coleman	Shields	Stoll--3	
Absent with leave--Senators--None			

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 770, introduced by Senator Nodler, entitled:

An Act to repeal section 227.340, RSMo, and to enact in lieu thereof one new section relating to the George Washington Carver Memorial Highway.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 770** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1006, with **SCS**, introduced by Senator Goode, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Goode.

SCS for **SB 1006**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1006

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was taken up.

Senator Goode moved that **SCS** for **SB 1006** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 1006** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 767, with **SCS**, introduced by Senator Clemens, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Edward P. Hubble Memorial highway.

Was called from the Consent Calendar and taken up.

SCS for **SB 767**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 767

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the Edwin P. Hubble Memorial highway.

Was taken up.

Senator Clemens moved that **SCS** for **SB 767** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 767** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode

Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 932, introduced by Senator Loudon, entitled:

An Act to repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to employment.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 932** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Kinder	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 980, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal sections 21.770, 27.080, 28.163, 30.245, 30.900, 31.010, 32.051, 32.380, 33.563, 33.571, 37.090, 42.160, 58.755, 72.424, 82.460, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 140.015, 143.072, 143.107, 143.122, 143.1010, 143.1011, 143.1012, 144.030, 144.036, 144.041, 152.032, 160.300, 160.302, 160.304, 160.306, 160.308,

160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.550, 161.205, 161.655, 163.025, 169.710, 171.033, 173.120, 173.700, 173.705, 173.708, 173.710, 173.715, 173.718, 173.721, 178.630, 191.938, 192.255, 197.318, 198.014, 198.540, 201.090, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 208.177, 208.307, 210.879, 210.930, 215.050, 253.022, 253.230, 260.273, 261.035, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.280, 292.290, 292.500, 292.560, 292.570, 313.300, 313.301, 319.022, 319.023, 351.025, 354.065, 376.530, 376.550, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 590.145, 600.094, 620.528, 620.1310, 632.484, and 644.102, RSMo, and to enact in lieu thereof thirteen new sections for the sole purpose of repealing certain expired, sunset, terminated, and ineffective statutory provisions as identified by the joint committee on legislative research pursuant to section 23.205, RSMo.

Was called from the Consent Calendar and taken up.

SCS for **SB 980**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 980

An Act to repeal sections 21.770, 28.085, 28.163, 30.900, 31.010, 32.051, 32.380, 33.571, 37.090, 42.160, 58.755, 72.424, 82.460, 94.580, 103.081, 105.268, 115.177, 128.345, 128.346, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 135.095, 137.423, 140.015, 143.107, 143.122, 143.1010, 143.1011, 143.1012, 144.030, 144.036, 144.041, 152.032, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.550, 161.205, 161.655, 163.025, 169.710, 171.033, 173.710, 173.715, 173.718, 173.721, 178.630, 191.938, 192.255, 197.305, 197.312, 197.314, 197.317, 197.318, 197.345, 197.355, 197.366, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 208.177, 208.307, 210.879, 210.930, 215.050, 253.022, 253.230, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 292.260, 292.270, 292.280, 292.290, 292.500, 313.300, 313.301, 319.022, 351.025, 354.065, 376.530, 376.550, 388.650, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, and 644.102, RSMo, and to enact in lieu thereof fifteen new sections for the sole purpose of repealing certain expired, sunset, terminated, and ineffective statutory provisions as identified by the joint committee on legislative research pursuant to section 23.205, RSMo.

Was taken up.

Senator Bartle moved that **SCS** for **SB 980** be adopted.

At the request of Senator Bartle, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SB 1028, introduced by Senator Cauthorn, entitled:

An Act to repeal sections 34.010, 34.031, 34.032, 34.040, 34.065, and 34.130, RSMo, and to enact in lieu thereof four new sections relating to state purchasing.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 1028** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle

Callahan

Caskey

Cauthorn

Champion	Childers	Clemens	Days
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--27	
	NAYS--Senators		
Bray	Dougherty	Kennedy--3	
	Absent--Senators		
Bland	Coleman	Dolan	Stoll--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Kinder referred **SS** for **SB 1000** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 716--Commerce and the Environment.

SB 1105--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1114--Economic Development, Tourism and Local Government.

SB 1119--Aging, Families, Mental and Public Health.

SB 1121--Economic Development, Tourism and Local Government.

SB 1134--Education.

SB 1137--Economic Development, Tourism and Local Government.

SB 1139--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1142--Aging, Families, Mental and Public Health.

SB 1161--Economic Development, Tourism and Local Government.

SB 1162--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1163--Economic Development, Tourism and Local Government.

SB 1168--Aging, Families, Mental and Public Health.

SB 1169--Judiciary and Civil and Criminal Jurisprudence.

SB 1170--Judiciary and Civil and Criminal Jurisprudence.

SB 1174--Pensions and General Laws.

SB 1179--Small Business, Insurance and Industrial Relations.

SB 1181--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1189--Pensions and General Laws.

SB 1192--Judiciary and Civil and Criminal Jurisprudence.

SB 1194--Commerce and the Environment.

SB 1196--Commerce and the Environment.

SB 1199--Pensions and General Laws.

SB 1200--Transportation.

SB 1203--Ways and Means.

SB 1204--Small Business, Insurance and Industrial Relations.

SB 1206--Aging, Families, Mental and Public Health.

SB 1207--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1209--Ways and Means.

SB 1210--Judiciary and Civil and Criminal Jurisprudence.

SB 1211--Judiciary and Civil and Criminal Jurisprudence.

SB 1212--Economic Development, Tourism and Local Government.

SB 1213--Ways and Means.

SB 1214--Commerce and the Environment.

SB 1215--Small Business, Insurance and Industrial Relations.

SB 1216--Pensions and General Laws.

SB 1217--Education.

SB 1219--Transportation.

SB 1220--Economic Development, Tourism and Local Government.

SB 1223--Aging, Families, Mental and Public Health.

SB 1224--Aging, Families, Mental and Public Health.

SB 1225--Economic Development, Tourism and Local Government.

SB 1226--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1227--Appropriations.

SB 1228--Judiciary and Civil and Criminal Jurisprudence.

SB 1229--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1230--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1231--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1233--Transportation.

SB 1235--Small Business, Insurance and Industrial Relations.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 969--Ways and Means.

HCS for **HBs 950** and **948**--Economic Development, Tourism and Local Government.

HCS for **HB 1182**--Agriculture, Conser-vation, Parks and Natural Resources.

HCS for **HB 1177**--Agriculture, Conser-vation, Parks and Natural Resources.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bruce E. Davis, Republican, 3509 Bray, Columbia, Boone County, Missouri 65203, as a member of the State Tax Commission, for a term ending January 23, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles C. Hill, Jr., 924 East Linwood Drive, Springfield, Greene County, Missouri 65807, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending August 23, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jean Howard, Democrat, 901 S. Main, Auxvasse, Callaway County, Missouri 65231, as a member of the State Committee of Dietitians, for a term ending June 11, 2007, and until her successor is duly appointed and qualified; vice, Mary McDonald, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert F. Lawrence, 264 County Highway 469, Steele, Pemiscot County, Missouri 63877, as a member of the Well Installation Board, for a term ending February 24, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John M. Parker, Republican, 2024 Honeysuckle Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, Larry V. Schepers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James B. Wilson, 4545 East 53rd Street, Kansas City, Jackson County, Missouri 64130, as a member of the Board of Police Commissioners for Kansas City, for a term ending March 7, 2007, and until his successor is duly appointed and qualified; vice, Rudolph Rhodes III, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tina R. Wood, 725 Kathy Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2005, and until her successor is duly appointed and qualified; vice, Bradley Freeman, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda Taylor Allen, Ph.D., 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Linda Taylor Allen, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Walter Foster, Jr., 21513 Highway 17, Waynesville, Pulaski County, Missouri 65883, as a member of the Corrections Officer Certification Commission, for a term ending October 30, 2005, and until his successor is duly appointed and qualified; vice, Walter Foster, Jr., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sheldon Lee Lineback, 337 Hutton Lane, Jefferson City, Cole County, Missouri 65101, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2006, and until his successor is duly appointed and qualified; vice, Sheldon Lee Lineback, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until his successor is duly appointed and qualified; vice, Stacy A. Mangum, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stacy A. Mangum, 304 SE Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Drug Utilization Review Board, for a term ending October 15, 2007, and until his successor is duly appointed and qualified; vice, Stacy A. Mangum, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Terry D. Milam, 805 Chateau Valley Court, Ferguson, St. Louis County, Missouri 63135, as a member of the Amber Alert System Oversight Commission, for a term ending October 20, 2006, and until his successor is duly appointed and qualified; vice, Terry D. Milam, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judith D. Riehl, 3248 Patterson Place Drive #307, St. Louis, St. Louis County, Missouri 63129, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, Judith D. Riehl, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Suzanne Wells, R.N., 534 Sheffield, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, Suzanne Wells, R.N., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1283, regarding Kyna Iman, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 1284, regarding the Eightieth Birthday of Orville "Bud" Lee Stout, Sedalia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Jennifer Ahrens, Amy Koehler, Jessica Hallermann, Allison Kreutzjans, Erica Wheeler and students from Cor Jesu Academy, St. Louis County; and Amy, Jessica, Allison and Erica were made honorary pages.

Senator Coleman introduced to the Senate, Korey Schenewerk, Jefferson City.

On behalf of Senator Gross, the President introduced to the Senate, Mary Harrison, Barbara Broadfoot, Marianne Thiel, and Sister Mary Unterreiner, St. Charles; and Betty Teakhashi, O'Fallon.

Senator Kinder introduced to the Senate, Rachelle Rowe, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules. SENATE CALENDAR

NINETEENTH DAY-TUESDAY, FEBRUARY 10, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 787-Childers

SB 877-Goode and Days

SB 1156-Caskey

SB 1157-Scott

SB 1182-Dolan

SB 1183-Dolan

SB 1185-Gross

SB 1187-Wheeler

SB 1190-Caskey

SB 1202-Gibbons, et al

SB 1205-Cauthorn

SB 1208-Stoll

SB 1218-Quick

SB 1222-Dougherty, et al

SB 1232-Clemens, et al

SB 1234-Mathewson and Childers

SB 1236-Kennedy, et al

SJR 43-Klindt

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS

SB 990-Loudon, with SCS

SB 730-Gross and Champion, with SCS

SBs 1144, 919 & 874-Dolan, et al, with SCS

SBs 1020, 889 & 869-Steelman, et al,

with SCS

SB 718-Yeckel, et al

SB 1080-Nodler, et al

SB 1099-Gibbons, et al, with SCS

SJR 44-Dolan, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 732-Gross

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 980-Bartle, with SCS

Reported 2/9

SB 951-Griesheimer

SB 952-Wheeler, with SCS

SB 1012-Caskey

SB 1062-Griesheimer, with SCS

SB 1075-Coleman, with SCS

SB 886-Cauthorn and Klindt

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 703-Caskey

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

SB 754-Vogel, with SCS

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY--TUESDAY, FEBRUARY 10, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"In you our ancestors trusted; they trusted, and you delivered them." (Psalm 22:4)

Almighty God, let us remember the trust our founding fathers placed in You and let us have the wisdom and trust with which they led this country as we seek to guide the future pathways for this state. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

Absent with leave--Senator Wheeler--1

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1285, regarding Doug Templeton, St. Joseph, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1286

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of

Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, do hereby grant permission to the Missouri Catholic Conference to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on October 2, 2004, for the purpose of a citizenship assembly and workshop.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1286** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1286** was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1237-By Bartle.

An Act to amend chapter 409, RSMo, by adding thereto six new sections relating to obstruction of securities investigations, with penalty provisions.

SB 1238-By Days and Bray.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 1239-By Callahan.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SJR 46-By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 7, and 9 of article III of the Constitution of Missouri, and adopting four new sections in lieu thereof relating to the number of members of the general assembly.

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 715**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 715**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030, 49.272, 50.550, 50.740, 115.124, 135.207, 137.720, 137.721, 304.010, 488.5026, and 559.021, RSMo, and to enact in lieu thereof twenty new sections relating to counties, with penalty provisions and an emergency clause for certain sections.

Was taken up.

Senator Childers moved that **SCS** for **SB 715** be adopted.

Senator Childers offered **SS** for **SCS** for **SB 715**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030, 49.272, 50.550, 50.740, 67.793, 67.799, 115.124, 135.207, 137.720, 137.721, 304.010, 488.5026, and 559.021, RSMo, and to enact in lieu thereof twenty-three new sections relating to counties, with penalty provisions, an emergency clause for certain sections, and an expiration date for a certain section.

Senator Childers moved that **SS** for **SCS** for **SB 715** be adopted.

Senator Champion offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 33, Section 190.306, Line 11, of said page, by inserting after all of said line the following:

"221.070. **1.** Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, if he shall be convicted thereof, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

2. Every person who shall be committed to the common jail within any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, by lawful authority, for any offense or misdemeanor, if he or she shall be convicted thereof, may be required to pay a fee upon being arrested and processed at the county jail. The amount of the processing fee shall be calculated annually by dividing the total amount of the salaries for employees of the county jail employed in the processing division by the total number of inmates processed during one year."; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 41, Section 559.021, Line 7, of said page, by inserting after all of said line the following:

"589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo, or any offense of chapter 566, RSMo, where the victim is a minor; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses: kidnapping, pursuant to section 565.110, RSMo; felonious restraint; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child, pursuant to section 568.060, RSMo; use of a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen years of age; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under federal or military law; or

(6) Any person who has been or is required to register in another state or has been or is required to register under federal or military law and who works or attends school or training on a full-time or on a part-time basis in Missouri. "Part-time" in this subdivision means for more than fourteen days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within ten days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county within ten days of August 28, 2003. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town, village, or campus law enforcement agency, if so requested.

3. The registration requirements of sections 589.400 through 589.425 are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.

4. For processing an initial sex offender registration the chief law enforcement officer of any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants may charge the offender registering a nonrefundable fee of ten dollars.

5. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants may charge the person changing their registration a nonrefundable fee of five dollars for each change made after the initial registration."; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 8, Section 50.740, Line 9, of said page, by inserting after all of said line the following:

"64.215. 1. Except as otherwise provided in subsection 2 of this section, the county planning board shall consist of one of the commissioners of the county commission selected by the county commission, the county highway engineer, both of whom shall serve during their tenure of office, and six residents of the unincorporated territory of the county who shall be appointed by the county commission. The term of the six appointed members shall be four years or until their

successor takes office, except that the original term of three of the six appointed members shall be two years. Members may be removed for cause by the county commission upon written charges after public hearings. Any vacancy may be filled by the county commission for the unexpired term of any member whose term becomes vacant, or until the member's successor takes office. All members of the board shall serve without compensation; except, that an attendance fee as reimbursement for expenses may be paid to the appointed members of the board in an amount, set by the county commission, not to exceed twenty-five dollars per meeting. The planning board shall elect its chairman from among the appointed members.

2. In any county of the first classification with a population of at least two hundred thousand inhabitants which does not adjoin any other county of the first classification, the county planning board may, at the option of the county commission, consist of one of the commissioners of the county commission selected by the county commission, and shall include the county highway engineer and six residents of the unincorporated territory of the county, who shall be appointed by the county commission. The county highway engineer and the county commissioner, if a member of the board, shall serve during such person's tenure of office. The term of the six appointed members shall be three years or until their successor takes office.

3. Notwithstanding the provisions of this section to the contrary, in any county of the first classification with more than eighty-two thousand but less than eighty-two thousand one hundred inhabitants the designated commissioner of the county commission and the county highway engineer shall serve on the county planning board in a non-voting, advisory role."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 33, Section 190.306, Line 11, of said page, by inserting after all of said line the following:

"204.455. 1. Any user charges, connection fees, or other charges levied by the sewer district shall be due at such time or times as specified by the board of trustees, and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent they shall be a lien upon the land charged, upon the board of trustees filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The board of trustees shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure. **All sewer districts created after the effective date of this section shall be exempt from all recording fees.**

2. For purposes of this section, the term "board of trustees" shall include, but is not limited to, the board of trustees established in subsection 2 of section 204.300.

247.110. 1. Subject to such regulation and control as may now exist in or may hereafter be conferred upon the public service commission of the state of Missouri, the fixing of rates or charges for water or water service furnished by a district incorporated under sections 247.010 to 247.220 is hereby vested in its board of directors. The rates or charges to be so fixed shall, at all times, be reasonable, but in determining the reasonableness of rates or charges, the board shall take into consideration the sum or sums required to retire outstanding special obligation bonded indebtedness of the district and the interest accruing thereon, the need for extensions of mains, repairs, depreciation, enlargement of plant, adequate service, obsolescence, overhead charges, operating expenses, and the need of an operating fund out of which the district may protect itself in emergencies and out of which the incidental expenses of the district may readily be met.

2. Any charge for water or water services levied by the board of directors of a water district shall be due at such time

or times as specified by the board and may be considered delinquent if not paid by the due date. The board may assess penalties on delinquent payments owed to the district. These penalties shall not exceed a reasonable amount.

3. Upon ten days prior notice to the person to whom water service was delivered, the board of directors of a water district may cause to be filed with the recorder of deeds in the county where the land is located a legal description of the property on which water charges are thirty days or more delinquent, the names and addresses of the title owners and the amount due, provided the person who owns the property is the same person who owes for the water service delivered, which shall constitute a lien upon the land so charged. The board shall file with the recorder of deeds a notice of satisfaction when the delinquent amounts, any interest on the delinquent amounts and any recording fees or attorney fees have been paid in full. **All water districts created after the effective date of this section shall be exempt from all recording fees.**

4. The lien authorized in this section may be enforced by an action filed in the circuit court having jurisdiction in the county where water services are delivered. The pleadings, practice, process, and other proceedings in cases arising under this section shall be the same as in ordinary civil actions and proceedings in circuit courts.

250.234. Any user charges, connection fees, or other charges levied by any city, town or village shall be due at such time or times as specified by the governing board of the city, town or village and shall, if not paid by the due date, become delinquent and shall bear interest from the date of delinquency until paid. If such charges become delinquent they shall be a lien upon any land within the corporate limits of the city, town or village so charged, upon the governing board filing with the recorder of deeds in the county where the land is situated a notice of delinquency. The governing board shall file with the recorder of deeds a similar notice when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full. The lien hereby created may be enforced by suit or foreclosure. **All cities, towns, or villages providing services pursuant to this chapter, who initially establish such service after the effective date of this section, shall be exempt from all recording fees."**; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 33, Section 190.306, Line 11, of said page, by inserting after all of said line the following:

"260.830. 1. Any county of the third classification or [any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants or] any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants may, by a majority vote of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

[] YES [] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by

this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. **With the exception of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants,** if an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county, **except in the case of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants, wherein the funds shall be credited to the county general revenue fund to be expended as prescribed by the county governing body.** Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Shields assumed the Chair.

Senator Bartle assumed the Chair.

Senator Gross offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 13, Section 67.799, Line 12, by inserting immediately after said line the following:

"67.1706. The metropolitan district shall have as its [primary] **sole** duty the development, operation and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the district. The metropolitan

district shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the metropolitan district **or other conservation and environmental regulatory agencies** and shall have the power to contract with other parks and recreation systems as well as with other public and private entities. **Nothing in this section shall give the metropolitan district authority to regulate water quality, watershed or land use issues in the counties comprising the district."**; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Childers, **SB 715**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1157--Pensions and General Laws.

SB 1182--Transportation.

SB 1183--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1185--Pensions and General Laws.

SB 1187--Governmental Accountability and Fiscal Oversight.

SB 1202--Pensions and General Laws.

SB 1205--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1208--Education.

SB 1218--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1222--Small Business, Insurance and Industrial Relations.

SB 1232--Governmental Accountability and Fiscal Oversight.

SB 1234--Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Don, Kent, Danielle, Zach, Justin and Nathan Voss; and Ervin and Marilyn Etzel, their daughter, Sandy Poole, and her daughter, Alexis, Florissant; and Alexis, Zach, Justin and Nathan were made honorary pages.

Senator Russell introduced to the Senate, Vold Chebltrylv and Zhenya Lohvinenko, Ukraine; and Cindy Fullerton, Linn Creek.

Senator Scott introduced to the Senate, seventh, eighth, ninth, and tenth grade students from Applewood Christian School, Sedalia.

Senator Gross introduced to the Senate, Justin Collier and Vicky Huesemann, St. Charles.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Jeff Tedrow and his daughter, Molly, Bolivar;

and Molly was made an honorary page.

Senator Cauthorn introduced to the Senate, Dolores and Dean Brown, Mildred Mollet, Mildred Vanskikie, Valerie Christian, Velma Banks, Mary Yardly, Bertha Singleton and Lorraine Galbreath, representatives of Oats, Mexico.

Senator Bartle introduced to the Senate, representatives of Leadership Blue Springs, Blue Springs.

Senator Goode introduced to the Senate, seventh and eighth grade students from St. John Newman School, St. Louis County.

Senator Cauthorn introduced to the Senate, representatives of the American Cancer Society from around the state.

Senator Griesheimer introduced to the Senate,

Judy Mendenhall, Margaret McMichael, Marge Gildersleve, Juanita Schulte, and Marie Hugg, Washington.

Senator Scott introduced to the Senate, his sister-in-law, Janice Gordeuk, and her husband, David, Lyndon, Kansas.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY-WEDNESDAY, FEBRUARY 11, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 787-Childers

SB 877-Goode and Days

SB 1156-Caskey

SB 1190-Caskey

SB 1236-Kennedy, et al

SB 1237-Bartle

SB 1238-Days and Bray

SB 1239-Callahan

SJR 43-Klindt

SJR 46-Bartle

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle,

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 990-Loudon, with SCS

SB 730-Gross and Champion, with SCS

SBs 1144, 919 & 874-Dolan, et al, with SCS

SBs 1020, 889 & 869-Steelman,

et al, with SCS

SB 718-Yeckel, et al

SB 1080-Nodler, et al

SB 1099-Gibbons, et al, with SCS

SJR 44-Dolan, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS,

SS for SCS & SA 6 (pending)

SB 732-Gross

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 980-Bartle, with SCS

Reported 2/9

SB 951-Griesheimer

SB 952-Wheeler, with SCS

SB 1012-Caskey

SB 1062-Griesheimer, with SCS

SB 1075-Coleman, with SCS

SB 886-Cauthorn and Klindt

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 703-Caskey

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

SB 754-Vogel, with SCS

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY--WEDNESDAY, FEBRUARY 11, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"O Lord, do your eyes not look for truth?" (Jeremiah 5:3)

Loving Father, as we go through our hearings and write our legislation, let us have eyes to see the truth that will help us know what is right and proper for us to do and be of help to our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Russell offered Senate Resolution No. 1287, regarding Lester "Bud" Capps, Camdenton, which was adopted.

Senator Russell offered Senate Resolution No. 1288, regarding David W. Hitsman, which was adopted.

Senator Clemens offered Senate Resolution No. 1289, regarding Willis Case, Marshfield, which was adopted.

Senator Steelman offered Senate Resolution No. 1290, regarding Michael McClanahan, Rolla, which was adopted.

Senator Childers offered Senate Resolution No. 1291, regarding Robert Henry Sieg, Blue Eye, which was adopted.

Senator Kennedy offered Senate Resolution No. 1292, regarding Kenneth J. Clark, DeSoto, which was adopted.

Senator Foster offered Senate Resolution No. 1293, regarding Britt William Reick, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1294, regarding Shawn Thomas Pietrofere, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1295, regarding Matthew John Pietrofere, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1296, regarding Keith Brendan McCoy, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1297, regarding John Paul McCoy, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1298, regarding Brandon Riley Hall, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1299, regarding Tanner Franklin French, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1300, regarding Louis Anthony Dancer, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1301, regarding Trent Weston Carihfield, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1302, regarding Brian Richardson, Poplar Bluff, which was adopted.

Senator Yeckel offered Senate Resolution No. 1303, regarding Kevin Duniven, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1304, regarding Jessica Aronoff, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Loudon, **SB 990**, with **SCS**, was placed on the Informal Calendar.

SB 730, with **SCS**, was placed on the Informal Calendar.

Senator Dolan moved that **SB 1144**, **SB 919** and **SB 874**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1144, 919** and **874**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1144, 919 and 874

An Act to repeal sections 301.141, 301.142, 301.143, and 302.181, RSMo, and to enact in lieu thereof five new sections relating to the operation of motor vehicles, with penalty provisions and an effective date.

Was taken up.

Senator Dolan moved that **SCS** for **SBs 1144, 919 and 874** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SBs 1144, 919 and 874** was declared perfected and ordered printed.

Senator Gross moved that **SB 732** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Gross offered **SS** for **SB 732**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 732

An Act to repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof two new sections relating to the duties of the metropolitan park and recreation system.

Senator Gross moved that **SS** for **SB 732** be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SB 732** was declared perfected and ordered printed.

President Pro Tem Kinder assumed the Chair.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 5**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

SB 1020, SB 889 and SB 869, with **SCS**, were placed on the Informal Calendar.

SB 718 was placed on the Informal Calendar.

SB 1080 was placed on the Informal Calendar.

Senator Gibbons moved that **SB 1099**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Nodler assumed the Chair.

SCS for **SB 1099**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1099

An Act to repeal sections 21.810, 32.057, 620.014, and 620.1300, RSMo, and to enact in lieu thereof twelve new sections relating to tax credits, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1099** be adopted.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1099, Pages 15-16, Section 135.820, Lines 1-12, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

At the request of Senator Gibbons, **SB 1099**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Clemens offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1305

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize a remarkable educator who has distinguished himself as an "Outstanding Missourian"; and

WHEREAS, Willis Case, an esteemed resident of Marshfield, Missouri, will be honored for his contributions to the Marshfield community as he meets with state legislators in the Missouri Senate on February 11, 2004; and

WHEREAS, Willis Case has derived a tremendous amount of satisfaction from the sixty-three years he has spent working as an auctioneer, a position through which he has earned the praise and respect of his fellow citizens for his unparalleled experience and incredible commitment to fair dealing; and

WHEREAS, a proud recipient of the Marshfieldian of the Year award, Willis Case has compiled an enviable list of service to such important community organizations as the Lions Club, Webco Nursing Home Board, and the Marshfield R-I School District Board; and

WHEREAS, Willis Case shared seventy-two years of wedded success and happiness with his beloved Ruby E. Hoover Case, a kind and loving woman who enjoyed every moment of his company until her passing from this world on July 5, 2003; and

WHEREAS, now ninety-four years young, Willis Case faces the beginning of each day with renewed hope and happiness and continues to lead a good life, sharing his experiences and exciting stories of times gone by with his four wonderful children, Paula S. Greer, Linda Curwood, J. Mac Case, and Hoover Case:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in extending our most hearty and robust congratulations to Willis Case as he is formally recognized as an "Outstanding Missourian" in the Senate Chamber, and in wishing him only the very best of success as he continues to serve as an inspiration to all those who know and love him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for "Outstanding Missourian" Willis Case.

Senator Bland offered Senate Resolution No. 1306, regarding the One Hundredth Birthday of Winnie Robertson Bankston, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1307, regarding the One Hundredth Birthday of Georgia Talton Williams, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and ordered printed:

SB 1240-By Griesheimer.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

SB 1241-By Yeckel.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, and to enact in lieu thereof seven new sections relating to charter schools.

SB 1242-By Wheeler.

An Act to repeal sections 169.270, 169.291, 169.295, and 169.322, RSMo, and to enact in lieu thereof four new sections relating to the Kansas City public school retirement system.

SB 1243-By Wheeler.

An Act to repeal section 475.275, RSMo, and to enact in lieu thereof one new section relating to verification of securities held by conservator.

SJR 47-By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 43(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation sales tax.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, requested unanimous consent of the Senate to correct the committee report on **SB 754** by submitting the correct Senate Committee Substitute, which request was granted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 787--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 877--Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Callahan introduced to the Senate, students and educators from Academic Lafayette School, Kansas City.

Senator Coleman introduced to the Senate, Richard and Mary Clemens, St. Louis.

Senator Cauthorn introduced to the Senate, Shelby and Donald Schmitz, Paige and Joe Dimmitt, Hillary and Pat Greenwell, Shelbina Youth Ambassadors, Shelbina; and Shelby, Paige and Hillary were made honorary pages.

Senator Childers introduced to the Senate, Dental Hygienists from the Twenty-Ninth Senatorial District.

On behalf of Senator Nodler, the President introduced to the Senate, Erica Little, Amanda Henderson, Lisa Wright, Kristi Barone, Christina Burris, Haley Coleman, Nicole Girth, and Chandelle Jordan, Dental Hygienist Students from Joplin.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Michael F. Burns, M.D., Town and Country.

Senator Yeckel introduced to the Senate, students, parents and educators, representatives of Charter Public Schools Capitol Day, from Kansas City and St. Louis.

Senator Yeckel introduced to the Senate, Audra Eisenbeis, Karen Reiner, and Patt Lepp, St. Louis County.

Senator Days introduced to the Senate, Andriette Fields, Elaine Flipping, Gale Hardeman, Cherly Cole Young, Wendy Harris, Marian Evans Walton, Shira Truitt, Vera Atkinson, Hazel Henderson, Kimberly Beek, Adrienne Gaines, Joan Hubbard, Jasmine Hall, Myra Drummond-Lewis, Monica Billinger and Ouida Tolbert, members of Alpha Kappa Alpha Sorority from St. Louis, Kansas City, Columbia and Jefferson City.

Senator Kinder introduced to the Senate, Lt. John R. Davis, Cape Girardeau.

Senator Kinder introduced to the Senate, Jeffrey W. Runge, M.D., Washington, D.C.

Senator Bland introduced to the Senate, Ailey Coe, Jay Coburn, Max Goodwin, and Harry Keegan, Kansas City.

Senator Kennedy introduced to the Senate, Deana Habel, Stacy Schneider, and Edo Sadikovic, St. Louis.

Senator Scott introduced to the Senate, John, Julie, Geana, and Jeffrey Gordeuk, Lyndon, Kansas; and John and Julie were made honorary pages.

Senator Griesheimer introduced to the Senate, Blake Heath, East Prairie.

Senator Clemens introduced to the Senate, Willis Case, Hoover and Susan Case, Mac and Karen Case, Paula and Talt Greer, Doug Greer, Georgia, Susan and Bethany McCall, Tina Loftus, Marta Fraker, Bradley Loftus and Mike Cullinan, Marshfield.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY-THURSDAY, FEBRUARY 12, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1156-Caskey

SB 1190-Caskey

SB 1236-Kennedy, et al

SB 1237-Bartle

SB 1238-Days and Bray

SB 1239-Callahan

SB 1240-Griesheimer

SB 1241-Yeckel

SB 1242-Wheeler

SB 1243-Wheeler

SJR 43-Klindt

SJR 46-Bartle

SJR 47-Cauthorn

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SJR 44-Dolan, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS,

SS for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 730-Gross and Champion, with SCS

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman,
et al, with SCS

SB 1080-Nodler, et al

SB 1099-Gibbons, et al, with SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 980-Bartle, with SCS

Reported 2/9

SB 951-Griesheimer

SB 952-Wheeler, with SCS

SB 1012-Caskey

SB 1062-Griesheimer, with SCS

SB 1075-Coleman, with SCS

SB 886-Cauthorn and Klindt

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 703-Caskey

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

SB 754-Vogel, with SCS

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY--THURSDAY, FEBRUARY 12, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Yet you do not even know what tomorrow will bring. What is your life? For you are mist that appears for a little while and then vanishes." (James 4:14)

Merciful Father, it is so easy to get caught up in the pressures and demands on us that we can forget what is truly important. Help us to be mindful of our limited time especially in those relationships You have given us that make life sweet and part of the reason we work so hard. Open our hearts to truly be with those we love and bless our time together. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Champion offered Senate Resolution No. 1308, regarding Jonathan Grant McWilliams, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1309, regarding Justin Mark Haseltine, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1310, regarding Joseph Barrett Fisk, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1311, regarding Jim Little, which was adopted.

Senator Champion offered Senate Resolution No. 1312, regarding Jodie Adams, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1313, regarding Jim Pearson, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1314, regarding Tommy Burnett, Springfield, which was adopted.

Senator Klindt offered Senate Resolution No. 1315, regarding the Sixty-fifth Wedding Anniversary of Paul and Gola Mae Atterbury, which was adopted.

Senator Yeckel offered Senate Resolution No. 1316, regarding Michael Weiderman, Barnhart, which was adopted.

Senator Yeckel offered Senate Resolution No. 1317, regarding Kohl's, Crestwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1318, regarding Dr. Robert H. Brockhaus, Sunset Hills, which was adopted.

Senator Yeckel offered Senate Resolution No. 1319, regarding Karen Schuster, Crestwood, which was adopted.

Senator Quick offered Senate Resolution No. 1320, regarding Brittany Sanders, Gladstone, which was adopted.

Senator Gibbons offered Senate Resolution No. 1321, regarding Doloris Pepple, Webster Groves, which was adopted.

Senator Gibbons offered Senate Resolution No. 1322, regarding Cindy Roeser, Kirkwood, which was adopted.

Senator Coleman offered Senate Resolution No. 1323, regarding the Paula J. Carter Foundation, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1244-By Coleman.

An Act to repeal sections 556.037 and 589.400, RSMo, and to enact in lieu thereof two new sections relating to sexual offenses.

SB 1245-By Wheeler.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to joint negotiations of physicians.

CONCURRENT RESOLUTIONS

Senators Shields and Bartle offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the best way to improve Missouri's schools is to:

- (1) Reinforce local control of schools;
- (2) Demand greater accountability by state and local administrators which will reduce waste and ensure more money goes to classrooms and less to bureaucrats;
- (3) Reduce state and federal regulations that cause the misallocation of resources to fund the wrong priorities and eliminate unnecessary and burdensome regulations that stifle teachers and school districts from improving education;

(4) Support our teachers by looking for new, innovated and practical ideas that the General Assembly can address to assist teachers in the classroom;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Teacher Support, Regulatory Reduction and Accountability"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of ten members, with five members of the Senate to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, and no more than six members of such committee shall be from the same political party; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the rules and policies concerning the administrative burdens for teachers; identify opportunities that will allow for greater flexibility, innovation, and freedom to improve teaching opportunities and the quality of a classroom education; identify tax credits, resources, support services and funding for those support services and review classroom technology, including replacement and upgrade of computer hardware and software; review classroom liability and discipline issues facing teachers and look at ways to improve alternative schools; and solicit extensive testimony and opinions from teachers on what additional tools, support systems, legislation, training and funding they need to improve Missouri's educational system; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2005.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 933**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1038**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 969**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 856**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1123**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SJR 29**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 870**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 703**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 886**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 754**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 1144, 919, and 874** and **SS** for **SB 732**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 730**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 730**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 730

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a homestead exemption for the elderly.

Was taken up.

Senator Gross moved that **SCS** for **SB 730** be adopted.

Senator Gross offered **SS** for **SCS** for **SB 730**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 730

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a homestead exemption for the elderly, with an effective date and sunset provisions.

Senator Gross moved that **SS** for **SCS** for **SB 730** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

"135.037. As used in sections 135.037 to 135.083, the following terms shall mean:

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Equity interest", the difference between the true value in money of the property as determined by the county assessor's office and the total of:

(a) All debts from mortgage liens, deeds of trust, or security interests which are recorded or noted on a certificate of title prior to January first of the current tax year; and

(b) Accumulated deferred taxes;

(4) "Homestead", the owner occupied principal dwelling, either real or personal property, owned by the taxpayer and the land surrounding it as it is reasonably necessary for use of the dwelling as a home, not to exceed five acres. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principal dwelling and its percentage of the value of the common elements and of the value of the property upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of the common elements, if any. If the homestead is located on a farm, the homestead consists of the dwelling house, appurtenances, and the land used in connection therewith, not to exceed five acres;

(5) "Household", all persons residing in a single dwelling whether related or not;

- (6) "Household income", the combined federal adjusted gross income of all members of the household, whether filing jointly or individually;**
- (7) "Maximum upper limit", thirty-two thousand dollars;**
- (8) "Tax-deferred property", the property upon which taxes are deferred pursuant to sections 135.037 to 135.083;**
- (9) "Taxes" or "property taxes", ad valorem taxes, assessments, fees, and charges entered on the assessment and tax roll;**
- (10) "Taxpayer", an individual who has filed a claim for deferral pursuant to section 135.039 or individuals who have jointly filed a claim for deferral pursuant to section 135.039.**

135.039. 1. An individual, or two or more individuals jointly, may elect to defer the property taxes on their homestead by filing a claim for deferral with the county clerk after January first and on or before October fifteenth of the first year in which deferral is claimed if the individual, or, in the case of two or more individuals filing a claim jointly, the older individual, is sixty-two years of age or older on October fifteenth of the year in which the claim is filed.

2. In order to make the election described in subsection 1 of this section, the individual must have, or in case of two or more individuals filing a claim jointly, all of the individuals together must have household income for the calendar year immediately preceding the calendar year in which the claim is filed of less than the maximum upper limit.

3. The county clerk shall forward each claim filed pursuant to this section to the director of revenue which shall determine if the property is eligible for deferral.

4. When the taxpayer elects to defer property taxes for any year by filing a claim for deferral pursuant to subsection 1 of this section, it shall have the effect of:

(1) Deferring the payment of the property taxes levied on the homestead for the year beginning on January first of such year;

(2) Continuing the deferral of the payment by the taxpayer of any property taxes deferred pursuant to section 135.037 to 135.083 for previous years which have not become delinquent pursuant to section 135.061;

(3) Continuing the deferral of the payment by the taxpayer of any future property taxes for as long as the provisions of section 135.041 are met.

5. If a guardian or conservator has been appointed for an individual otherwise qualified to obtain deferral of taxes pursuant to sections 135.037 to 135.083, the guardian or conservator may act for such individual in complying with the provisions of sections 135.037 to 135.083.

6. If a trustee of an inter vivos trust which was created by and is revocable by an individual, who is both the settlor and a beneficiary of the trust and who is otherwise qualified to obtain a deferral of taxes pursuant to sections 135.037 to 135.083, owns the fee simple estate under a recorded instrument of sale, the trustee may act for the individual in complying with the provisions of sections 135.037 to 135.083.

7. Nothing in this section shall be construed to require a spouse of an individual to file a claim jointly with the individual even though the spouse may be eligible to claim the deferral jointly with the individual.

8. Any person aggrieved by the denial of a claim for deferral of homestead property taxes or disqualification from deferral of homestead property taxes may appeal in the manner provided for denial of a claim pursuant to section 143.841, RSMo.

135.041. In order to qualify for tax deferral pursuant to sections 135.037 to 135.083, the property must meet all of the following requirements when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

- (1)** The property must be the homestead of the individual or individuals who file the claim for deferral, except for an individual required to be absent from the homestead by reason of health;
- (2)** The person claiming the deferral must, by himself or herself or together with his or her spouse, own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale, or two or more persons must together own or be purchasing the fee simple estate with rights of survivorship under a recorded instrument of sale if all owners live in the homestead and if all owners apply for the deferral jointly;
- (3)** There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule or regulation applicable to a mortgage, trust deed, land sale contract or conditional sale contract for which the homestead is security;
- (4)** The equity interest in the homestead is a positive number equal to or exceeding ten percent of the true value in money of the homestead;
- (5)** The person claiming the deferral must, by himself or herself or together with his or her spouse, show proof of insurance at any time on the homestead in an amount equal to or exceeding the market value as provided in the most recent tax bill of the homestead, to the director of revenue, and the insurance must be kept in place as long as deferral pursuant to sections 135.037 to 135.083 is maintained.

135.043. 1. A taxpayer's claim for deferral pursuant to section 135.039 shall be in writing on a form supplied by the department and shall:

- (1)** Describe the homestead;
- (2)** Recite facts establishing the eligibility for the deferral pursuant to the provisions of sections 135.037 to 135.083, including facts that establish that the household income of the individual, or individuals in the household, was, for the calendar year immediately preceding the calendar year in which the claim is filed, less than the amount required pursuant to section 135.039;
- (3)** Have attached any documentary proof required by the director to show that the requirements of sections 135.037 to 135.083 have been met.

2. The claim shall be in the form of an affidavit verifying that the statements contained in the claim are true.

135.045. 1. If eligibility for deferral of homestead property is established as provided in sections 135.037 to 135.083, the director of revenue shall notify the county assessor or collector who shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

2. When requested by the director, the tax collector shall send to the director, as soon as the taxes are extended upon the roll, the tax statement for each tax-deferred property.

3. Interest shall accrue on the actual amount of taxes advanced to the county for the tax-deferred property at the rate of six percent per annum.

135.047. 1. In each county in which there is tax-deferred property, the director of revenue shall cause to be recorded in the mortgage records of the county, a list of tax-deferred properties of that county. The list shall contain a description of the property as listed on the assessment roll together with the name of the owner or owners listed thereon.

2. Except as provided in section 135.053, the recording of the tax-deferred properties pursuant to subsection 1 of this section is notice that the director claims a lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county clerk in connection with the recording, release or satisfaction of the lien.

3. Notwithstanding any provisions of law to the contrary, the director shall not be required to pay any filing, indexing, or recording fees to the county in connection with the recording, release, or satisfaction of liens against tax-deferred properties of that county in advance or at the time entry is made.

135.049. 1. Upon determining the amount of deferred taxes on tax-deferred property for the tax year, the director shall pay to the respective county tax collectors an amount equivalent to the deferred taxes less two percent thereof. Payment shall be made from the account established pursuant to section 135.083.

2. The director shall maintain records for each deferred property and shall accrue interest only on the actual amount of taxes advanced to the county.

3. If only a portion of taxes are deferred pursuant to section 135.065, the director shall pay the portion that will be deferred for that year to the tax collector and shall provide a separate notice to the county assessor stating the amount of property taxes that the director is paying.

135.051. 1. On or before December fifteenth of each year, the director of revenue shall send a notice to each taxpayer who is qualified to claim deferral of property taxes for the current tax year. The notice shall:

(1) Inform the taxpayer that the property taxes have or have not been deferred in the current year;

(2) Show the total amount of taxes remaining deferred since initial application for deferral and the interest accruing therein to November fifteenth of the current year;

(3) Inform the taxpayer that voluntary payment of the deferred taxes may be made at any time to the director of revenue;

(4) Contain any other information that the director considers necessary to facilitate administration of the homestead deferral program.

2. The director shall give the notice required pursuant to subsection 1 of this section by an unsealed postcard or other form of mail sent to the residence address of the taxpayer as shown in the claim for deferral or as otherwise determined by the director to be the correct address of the taxpayer.

135.053. 1. At the time that the taxpayer elects to defer property taxes pursuant to sections 135.037 to 135.083 the director of revenue shall estimate the amount of property taxes that will be deferred for a period of five tax years beginning on or after January 1, 2005, or the year of deferral, whichever is later, and interest thereon. Thereafter, the director shall have a lien in the amount of the estimate. Every five years after filing the initial lien, the director shall file an additional lien for an estimate of the amount of property taxes that will be deferred for the next five years, and interest thereon. The liens provided in this subsection shall be considered part of the public record.

2. The liens created pursuant to subsection 1 of this section shall attach to the property to which the election to defer relates on January first of the first tax year in which the lien is filed.

3. The liens created pursuant to subsection 1 of this section in the amount of the estimate shall have the same priority as other real property tax liens except that the liens of mortgages, trust deeds, or security interests which are recorded or noted on a certificate of title prior in time to the attachment of the liens for deferred taxes shall be prior to the liens for deferred taxes.

4. If during the period of tax deferment, the amount of taxes, interest, and fees exceeds the estimate, the

director shall have a lien for the amount of the excess. The liens for the excess shall attach to the property on January first of the tax year in which the excess occurs. The lien for the excess shall have the same priority as other real property tax liens, except that the lien of mortgages, trust deeds, or security interests recorded or noted on any certificate of title prior in time to the date that the director records an amendment to its estimate to reflect its lien for the excess shall be prior to the lien for the excess.

5. Notwithstanding the provisions of section 135.047, the notice of lien for deferred taxes recorded as provided in section 135.047 arising on or after January 1, 2005, shall list the amount of the estimate of deferred taxes, interest and fees made by the director pursuant to subsection 1 of this section and any amendment to the notice to reflect a lien for excess, as described pursuant to subsection 4 of this section, shall list the amount of the excess that the director claims as lien.

6. A lien created pursuant to this section may be foreclosed by the director pursuant to the law relating to foreclosure in civil suits or any other collection methods given the director of revenue. The court may award reasonable attorney fees to the prevailing party in a foreclosure action pursuant to this section.

7. Receipts from foreclosure proceedings shall be credited in the same manner as other repayments of deferred property taxes pursuant to section 135.083.

8. By means of voluntary payment made as provided pursuant to section 135.067, the taxpayer may limit the amount of the lien for deferred taxes created pursuant to this section. If the taxpayer desires that the limit be reflected in the records of the county, the taxpayer must request, subject to any rules adopted by the director, that the director cause a partial satisfaction of the lien to be recorded in the county. Upon receipt of such a request, the director shall cause a partial satisfaction, in the amount of the voluntary payment, to be so recorded. Nothing in this subsection shall affect the priority of the liens of the director, as originally created pursuant to subsections 1 and 4 of this section.

9. Nothing in this section shall affect any lien arising pursuant to sections 135.037 to 135.083 for taxes assessed before January 1, 2005.

135.059. Subject to section 135.063, all deferred property taxes, including accrued interest, become payable as provided in section 135.061 when:

- (1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies or, if there was more than one claimant, the survivor of the taxpayers who originally claimed deferment of collection of property taxes pursuant to section 135.039 dies;
- (2) Except as provided in section 135.057, the property with respect to which deferment of collection of taxes is claimed is sold, or some person other than the taxpayer who claimed the deferment becomes the owner of the property;
- (3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health;
- (4) The tax-deferred property, a manufactured structure or floating home, is moved out of the state.

135.061. 1. Whenever any of the circumstances listed in section 135.059 occurs:

- (1) The deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year; and
- (2) The amounts of deferred property taxes, including accrued interest, for all years shall be due and payable on the date of closing or the date of probate to the director of revenue, except as provided in subsection 3 of this section, section 135.063 and section 135.075.

2. Notwithstanding the provisions of subsection 1 of this section and section 135.075, when the circumstances occur listed in subsection 4 of section 135.059, the amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state.

3. If the amounts falling due as provided in this section are not paid on the indicated due date, or as extended pursuant to section 135.075, such amounts shall be deemed delinquent as of that date and the property shall be subject to foreclosure as provided in section 135.053.

135.063. 1. Notwithstanding the provisions of section 135.059, when one of the circumstances listed in section 135.059 occurs, the spouse who was not eligible to or did not file a claim jointly with the taxpayer may continue the property in its deferred tax status by filing a claim within the time and in the manner provided pursuant to section 135.039 if:

(1) The spouse of the taxpayer is or will be sixty years of age or older not later than six months from the day the circumstance listed in section 135.059 occurs; and

(2) The property is the homestead of the spouse of the taxpayer and meets the requirements of subsection 2 of section 135.041.

2. A spouse who does not meet the age requirements of subsection 1 of this section but is otherwise qualified to continue the property in its tax-deferred status pursuant to subsection 1 of this section may continue the deferral of property taxes deferred for previous years by filing a claim within the time and in the manner provided pursuant to section 135.039. If a spouse eligible for and continuing the deferral of taxes previously deferred pursuant to this subsection becomes sixty-two years of age prior to October fifteenth of any year, the spouse may elect to continue the deferral of previous years' taxes deferred pursuant to this subsection and may elect to defer the current assessment year's taxes on the homestead by filing a claim within the time and in the manner provided pursuant to section 135.039. Thereafter, payment of the taxes levied on the homestead and deferred pursuant to this subsection and payment of taxes levied on the homestead in the current assessment year and in future years may be deferred in the manner provided in and subject to sections 135.037 to 135.083.

3. Notwithstanding that section 135.039 requires that a claim be filed no later than October fifteenth, if the director of revenue determines that good and sufficient cause exists for the failure of a spouse to file a claim pursuant to this section on or before October fifteenth, the claim may be filed within one hundred eighty days after notice of taxes due and payable pursuant to section 135.037 is mailed or delivered by the director to the taxpayer or taxpayers.

135.065. 1. Notwithstanding the provisions of section 135.039 or any other provision of sections 135.037 to 135.083, if the individual or, in the case of two or more individuals electing to defer property taxes jointly, all of the individuals together, or the spouse who has filed a claim pursuant to section 135.063, has household income that exceeds the maximum upper limit for the tax year that began in the previous calendar year, then for the tax year next beginning, the amount of taxes for which deferral is allowed shall be reduced by fifty cents for each dollar of household income in excess of the maximum upper limit or if that income exceeds the maximum upper limit by a factor of two, the property taxes shall not be deferred.

2. Prior to December first of each year, the director of revenue shall review returns filed pursuant to chapter 143, RSMo, to determine if subsection 1 of this section is applicable for a homestead for the tax year next beginning. If subsection 1 of this section is applicable, the director shall notify by mail the taxpayer or taxpayers electing deferral, and the taxes otherwise to be deferred for the tax year next beginning shall be reduced as provided in subsection 1 of this section or, if household income in excess of the maximum upper limit exceeds the maximum upper limit by a factor of two, the property taxes shall not be deferred.

3. If the taxpayer or taxpayers does not file a return for purposes of chapter 143, RSMo, and the director has reason to believe that the federal adjusted gross income of the taxpayer or taxpayers exceeds the maximum upper limit for the tax year that began in the previous calendar year, the director shall notify by mail the taxpayer or taxpayers electing deferral. If, within thirty days after the notice is mailed, the taxpayer or

taxpayers does not file a return pursuant to chapter 143, RSMo, or otherwise satisfy the director that household income does not exceed the maximum upper limit, the director shall again notify the taxpayer or taxpayers, and the taxes otherwise to be deferred for the tax year next beginning shall not be deferred.

4. Nothing in this section shall affect the continued deferral of taxes that have been deferred for tax years beginning prior to the tax year next beginning or the right to deferral of taxes for a tax year beginning after the tax year next beginning if subsection 1 of this section is not applicable for that tax year for the homestead.

5. If, after an initial determination pursuant to this section has been made by the director, upon audit or examination or otherwise, it is discovered that the taxpayer or taxpayers had household income in excess of the limitation provided pursuant to subsection 1 of this section, the director shall determine the amount of taxes deferred that should not have been deferred and give notice to the taxpayer or taxpayers of the amount of taxes that should not have been deferred. The provisions of chapter 143, RSMo, shall apply to a determination of the director pursuant to this section in the same manner as those provisions are applicable to an income tax deficiency. The amount of deferred taxes that should not have been deferred shall bear interest from the date paid by the director until paid at the rate of six percent. A deficiency shall not be assessed pursuant to this section if notice required pursuant to this section is not given to the taxpayer or taxpayers within three years after the date that the director has paid the deferred taxes to the county. Upon payment of the amount assessed as deficiency, and interest, the department shall execute a release in the amount of the payment and the release shall be conclusive evidence of the removal and extinguishment of the lien pursuant to sections 135.037 to 135.083 to the extent of the payment.

6. If, after an initial determination pursuant to this section has been made by the director, upon claim for refund, audit or examination or otherwise, it is discovered that the taxpayer or taxpayers had household income in the amount of or less than the limitation provided pursuant to subsection 1 of this section, the director shall determine the amount of taxes deferred that should have been deferred and give notice to the taxpayer or taxpayers of the amount of taxes that should have been deferred. The provisions of chapter 143, RSMo, shall apply to a determination of the director pursuant to this section in the same manner as those provisions are applicable to an income tax refund. The amount of the taxes that should have been deferred shall bear interest from the date paid by the taxpayer to the county at the rate established by the director of revenue for refunds until paid. Claim for refund pursuant to this subsection must be filed within three years after the earliest date that the taxpayer or taxpayers is notified by the director that the taxes are not deferred.

7. This section applies to all tax-deferred property, notwithstanding that election to defer taxes is made pursuant to sections 135.037 to 135.083 before or after January 1, 2005.

135.066. Any taxpayer or taxpayers who have a household income of up to twice the maximum upper limit who have been precluded from deferring any portion of their property tax due to their household income being in excess of the maximum upper limit, may qualify for a deferral of the amount of property tax which has increased on their homestead since January first in the base year. Pursuant to the provisions of this section, the term "base year" shall mean the year beginning January first after the sixty-second birthday of the person otherwise qualified to claim the deferral pursuant to sections 135.037 to 135.083, however, base year shall not mean any year prior to the year beginning January 1, 2005. Such deferral shall be subject to the provisions of sections 135.037 to 135.083 as if it were a deferral pursuant to section 135.039.

135.067. 1. All payments of deferred taxes shall be made to the director of revenue.

2. Subject to subsection 3 of this section, all or part of the deferred taxes and accrued interest may at any time be paid to the director by:

(1) The taxpayer or the spouse of the taxpayer;

(2) The next of kin of the taxpayer, heir at law of the taxpayer, child of the taxpayer or any person having or claiming a legal or equitable interest in the property.

3. A person listed in subdivision (2) of subsection 2 of this section may make such payments only if no objection is made by the taxpayer within thirty days after the director deposits in the mail notice to the taxpayer of the fact that such payment has been tendered.

4. Any payment made pursuant to this section shall be applied first against accrued interest and any remainder against the deferred taxes. Such payment does not affect the deferred tax status of the property. Unless otherwise provided by law, such payment does not give the person paying the taxes any interest in the property or any claim against the estate, in the absence of a valid agreement to the contrary.

5. The provisions of subsection 4 of this section notwithstanding, if any taxpayer in the deferral program pays part or all of the current year property tax liability in a timely manner, such payment shall be applied against the principal of the deferred taxes and then against any interest, if applicable.

6. When the deferred taxes and accrued interest are paid in full and the property is no longer subject to deferral, the director shall prepare and record in the county in which the property is located a satisfaction of deferred property tax lien.

135.073. 1. If the property on which taxes have been deferred is deeded over to the county at the conclusion of the foreclosure proceedings pursuant to chapter 141, RSMo, the county governing body shall order the county treasurer to pay to the director of revenue from the combined tax collections account the amount of deferred taxes and interest which were not collected by the director of revenue, which payment shall not exceed the amount collected by the foreclosure proceedings minus reasonable expenses incurred by the county as a result of the foreclosure process.

2. Immediately upon payment, the county treasurer shall notify the tax collector of the amount paid to the director for the property which has been deeded to the county.

135.075. 1. If the taxpayer who claimed homestead property tax deferral dies, or if a spouse who continued the deferral pursuant to section 135.063 dies, the director of revenue may extend the time for payment of the deferred taxes and interest accruing with respect to the taxes becoming due and payable pursuant to subsection 2 of section 135.061 where:

(1) The homestead property becomes property of an individual or individuals:

(a) By inheritance or devise; or

(b) If the individual or individuals are heirs or devisees, as defined pursuant to section 472.010, RSMo, in the course of settlement of the estate;

(2) The individual or individuals commence occupancy of the property as a principal residence on or before February fifteenth of the calendar year following the calendar year of death; and

(3) The individual or individuals make application to the director for an extension of time for payment of the deferred taxes and interest prior to February fifteenth of the calendar year following the calendar year of death.

2. (1) Subject to subdivision (2) of this subsection, an extension granted pursuant to this section shall be for a period not to exceed five years after February fifteenth of the calendar year following the calendar year of death. The terms and conditions under which the extension is granted shall be in accordance with a written agreement entered into by the director and the individual or individuals.

(2) An extension granted pursuant to this section shall terminate immediately if:

(a) The homestead property is sold or otherwise transferred by any party to the extension agreement;

(b) All of the heirs or devisees who are parties to the extension agreement cease to occupy the property as a principal residence; or

(c) The homestead property, a manufactured structure or floating home, is moved out of the state.

3. If the director has reason to believe that the homestead property is not sufficient security for the deferred taxes and interest, the director may require the individual or individuals to furnish a bond conditioned upon payment of the amount extended in accordance with the terms of the extension. The bond shall not exceed an amount double the taxes with respect to which tax extension is granted.

4. During the period of extension, and until paid, the deferred taxes shall continue to accrue interest in the same manner and at the same rate as provided pursuant to subsection 3 of section 135.045. No interest shall accrue upon interest.

5. When any taxpayer who claimed homestead property tax deferral dies, the spouse, heirs and devisees, as defined pursuant to section 472.010, RSMo, shall within sixty days notify in writing the director of the taxpayer's death. Notification of the director by one of the aforementioned parties shall satisfy the requirements of this subsection.

135.077. Nothing in section 135.037 to 135.083 is intended to or shall be construed to:

- (1) Prevent the collection, by foreclosure, of property taxes which become a lien against tax-deferred property;**
- (2) Defer payment of special assessments to benefitted property which assessments do not appear on the assessment and tax roll;**
- (3) Affect any provision of any mortgage or other instrument relating to land requiring a person to pay property taxes.**

135.079. After August 28, 2004, it shall be unlawful for any mortgage trust deed or land sale contract to contain a clause or statement which prohibits the owner from applying for the benefits of the deferral of homestead property taxes provided in sections 135.037 to 135.083. Any such clause or statement in a mortgage trust deed or land sale contract executed after August 28, 2004, shall be void.

135.083. 1. There is hereby established in the state treasury the "Senior Property Tax Deferral Revolving Account" to be used by the director of revenue for the purpose of making the payments to:

- (1) County tax collectors of property taxes deferred for tax years beginning on or after January 1, 2005, as required by section 135.049;**
- (2) The director for expenses to administer the property tax and special assessment senior deferral programs.**

2. The funds necessary to make payments pursuant to subsection 1 of this section shall be advanced annually to the director.

3. The senior property tax deferral revolving account may include a reserve for payment of department administrative expenses.

4. All sums of money received by the director of revenue pursuant to sections 135.037 to 135.083 as repayments of deferred property taxes including the interest accrued pursuant to subsection 3 of section 135.045 shall, upon receipt, be credited to the revolving account for the purposes set forth in sections 135.037 to 135.083 subject to appropriations.

5. If there is not sufficient money in the revolving account to make the payments required by subsection 1 of this section, an amount sufficient to make the required payments may be transferred by appropriations from

the general revenue fund to the revolving account.

6. When the department determines that moneys in sufficient amounts are available in the revolving account, the director shall repay to the general revenue fund the amounts advanced pursuant to subsection 2 of this section or if no such transfer is made by the director, the general assembly may transfer excess funds from the revolving account to the general revenue fund. The moneys used to repay the general revenue fund pursuant to this section shall not be considered as part of the calculation of total state revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the revolving account shall not lapse to general revenue.

7. If there are insufficient funds in the general revenue to provide the necessary funding to the revolving account established in this section, the commissioner of administration may issue revenue bonds pursuant to sections 1 to 6 of this act."; and

Further amend said bill, page 7, section 137.106, line 27 of said page, by inserting after all of said line the following:

"Section 1. As used in sections 1 to 6 of this act, the following words and phrases mean:

(1) "Commissioner", the commissioner of administration;

(2) "Revenue bonds", bonds issued hereunder for the purposes herein authorized and payable, both as to principal and interest, solely and only out of the net income and revenues arising from the operation of the revolving account for which the bonds are issued after providing revenue for such revolving account;

(3) "Revolving account", the senior property tax deferral revolving account established pursuant to section 135.083, RSMo.

Section 2. For the purpose of providing funds for the revolving account, the commissioner may issue and sell revenue bonds, as herein defined, in an amount not to exceed the estimated revenue required to reasonably maintain the revolving account, including costs necessarily incidental thereto. At the time of the issuance of the bonds, the commissioner shall pledge the net income and revenues of the revolving account to the payment of the bonds, both principal and interest, and shall covenant to fix, maintain and collect the reasonable rates and charges for the use of the revolving account that in the judgment of the commissioner will provide revenues sufficient to pay the reasonable cost of operating and maintaining the revolving account; to provide and maintain an interest and sinking fund in an amount adequate promptly to pay the principal of and interest on such bonds; to provide a reasonable reserve fund; and to provide a reasonable fund for depreciation.

Section 3. Any bonds issued under and pursuant to sections 1 to 6 of this act shall not be deemed to be an indebtedness of the state of Missouri or of the commissioner, or of the individual members of the office of administration, and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness.

Section 4. 1. Bonds issued under and pursuant to the provisions of sections 1 to 6 of this act shall be of such denomination or denominations, shall bear such rate or rates of interest not to exceed fifteen percent per annum, and shall mature at such time or times within forty years from the date thereof, as the commissioner determines. The bonds may be either serial bonds or term bonds.

2. Serial bonds may be issued with or without the reservation of the right to call them for payment and redemption in advance of their maturity, upon the giving of such notice, and with or without a covenant requiring the payment of a premium in the event of such payment and redemption prior to maturity, as the commissioner determines.

3. Term bonds shall contain a reservation of the right to call them for payment and redemption prior to maturity at such time or times and upon the giving of such notice, and upon the payment of such premium, if any, as the commissioner determines.

4. The bonds, when issued, shall be sold at public sale for the best price obtainable after giving such reasonable notice of such sale as may be determined by the commissioner, but in no event shall such bonds be sold for less than ninety-eight percent of the par value thereof, and accrued interest. Any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice as herein provided.

5. The bonds, when issued and sold, shall be negotiable instruments within the meaning of the law merchant and the negotiable instruments law, and the interest thereon shall be exempt from income taxes under the laws of the state of Missouri.

Section 5. 1. The revenue bonds issued pursuant to the provisions of sections 1 to 6 of this act may be refunded, in whole or in part, in any of the following circumstances:

(1) When any such bonds have by their terms become due and payable and there are not sufficient funds in the interest and sinking fund provided for their payment to pay such bonds and the interest thereon;

(2) When any such bonds are by their terms callable for payment and redemption in advance of their date of maturity and are duly called for payment and redemption;

(3) When any such bonds are voluntarily surrendered by the holder or holders thereof for exchange for refunding bonds.

2. For the purpose of refunding any bonds issued hereunder, including refunding bonds, the commissioner may make and issue refunding bonds in the amount necessary to pay off and redeem the bonds to be refunded together with unpaid and past due interest thereon and any premium which may be due under the terms of the bonds, together also with the cost of issuing the refunding bonds, and may sell the same in like manner as is herein provided for the sale of revenue bonds, and with the proceeds thereof pay off, redeem and cancel the old bonds and coupons that have matured, or the bonds that have been called for payment and redemption, together with the past due interest and the premium, if any, due thereon, or the bonds may be issued and delivered in exchange for a like par value amount of bonds to refund which the refunding bonds were issued. No refunding bonds issued pursuant to the provisions of sections 1 to 6 of this act shall be payable in more than forty years from the date thereof or shall bear interest at a rate in excess of six percent per annum.

3. The refunding bonds shall be payable from the same sources as were pledged to the payment of the bonds refunded thereby and, in the discretion of the commissioner, may be payable from any other sources which under sections 1 to 6 of this act may be pledged to the payment of revenue bonds issued hereunder. Bonds of two or more issues may be refunded by a single issue of refunding bonds.

Section 6. The commissioner may prescribe the form, details and incidents of the bonds, and make the covenants that in the commissioner's judgment are advisable or necessary properly to secure the payment thereof; but the form, details, incidents and covenants shall not be inconsistent with any of the provisions of sections 1 to 6 of this act. Such bonds may have the seal of the commissioner impressed thereon or affixed thereto or imprinted or otherwise reproduced thereon. If such bonds shall be authenticated by the bank or trust company acting as registrar for such bonds by the manual signature of a duly authorized officer or employee thereof, the duly authorized officers of the commissioner executing and attesting such bonds, may all do so by facsimile signature provided such signatures have been duly filed as provided in the uniform facsimile signature of public officials law, sections 105.273 to 105.278, RSMo, when duly authorized by resolution of the commissioner and the provisions of section 108.175, RSMo, shall not apply to such bonds. The holder or holders of any bond or bonds issued hereunder or of any coupons representing interest accrued thereon may, by proper civil action either at law or in equity, compel the commissioner to perform all duties imposed upon him or her by the provisions of sections 1 to 6 of this act, including the making and collecting of sufficient rates and charges for the use of the project for which the bonds were issued, and also to enforce the performance of any and all other covenants made by the commissioner in the issuance of the bonds."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Bray offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, Page 1, Section 137.106, Line 11, by inserting after "credit", the following: "**or who is disabled**".

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SCS** for **SB 730**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **SB 730**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

Senator Bartle moved that **SB 980**, with **SCS**, be called from the Consent Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 980** was again taken up.

Senator Bartle moved that **SCS** for **SB 980** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 980** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Stoll	Wheeler--2		
Absent with leave--Senator Days--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1246-By Quick.

An Act to repeal section 64.335, RSMo, and to enact in lieu thereof one new section relating to authority of park rangers in certain counties.

SB 1247-By Dougherty and Kennedy.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

SB 1248-By Callahan.

An Act to repeal section 105.520, RSMo, and to enact in lieu thereof eleven new sections relating to certain employment rights for emergency response personnel.

SB 1249-By Champion.

An Act to repeal sections 34.010 and 34.070, RSMo, and to enact in lieu thereof three new sections relating to state purchasing.

SB 1250-By Scott.

An Act to repeal section 414.560, RSMo, and to enact in lieu thereof one new section relating to Missouri propane education and research council.

SB 1251-By Dolan.

An Act to repeal sections 301.055, 301.057, 301.058, 301.130, 307.350, and 307.365, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicles, with a contingent effective date.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1252-By Mathewson.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to restitution for emergency response costs.

SB 1253-By Mathewson, Wheeler, Shields, Callahan, Bartle and Bland.

An Act to repeal section 353.020, RSMo, and to enact in lieu thereof one new section relating to urban redevelopment.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1324, regarding the Seventy-sixth Birthday of Mandleen Hanson-

Hayes, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

February 12, 2004

Ms. Terry Spieler

Secretary of the Senate

Room 325, State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly's Health and Wellness Caucus.

A list of members is attached.

Your truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Health and Wellness Caucus:

Sarah H. Steelman Ken Jacob

Charlie Shields Mike Gibbons

Peter Kinder Charles Wheeler

Matt Bartle Jon Dolan

Bill Foster Rita Heard Days

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Trudy and Roy Pischer, and Ann Tucker, representing Boys and Girls Town of Missouri, Springfield.

Senator Steelman introduced to the Senate, Carol Scherf, Norm Petrie, Cathy Dace, Angela, Churnesia, Amanda, Hailey, Samantha, Christian, Tiffanie, Chris, Casey and Zack, representing Boys and Girls Town of Missouri, St. James.

Senator Gibbons introduced to the Senate, his wife, Liz, Kirkwood; and Sanford N. McDonnell, Clayton.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Mike Perry, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Monday, February 16, 2004.

SENATE CALENDAR

TWENTY-SECOND DAY-MONDAY, FEBRUARY 16, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1156-Caskey

SB 1190-Caskey

SB 1236-Kennedy, et al

SB 1237-Bartle

SB 1238-Days and Bray

SB 1239-Callahan

SB 1240-Griesheimer

SB 1241-Yeckel

SB 1242-Wheeler

SB 1243-Wheeler

SB 1244-Coleman

SB 1245-Wheeler

SB 1246-Quick

SB 1247-Dougherty and Kennedy

SB 1248-Callahan

SB 1249-Champion

SB 1250-Scott

SB 1251-Dolan

SB 1252-Mathewson

SB 1253-Mathewson, et al

SJR 43-Klindt

SJR 46-Bartle

SJR 47-Cauthorn

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle

(In Fiscal Oversight)

SCS for SBs 1144, 919 & 874-Dolan, et al

SS for SB 732-Gross

SENATE BILLS FOR PERFECTION

SJR 44-Dolan, with SCS

SB 933-Yeckel, et al

SB 1038-Yeckel, with SCS

SB 969-Shields, with SCS

SB 856-Loudon, with SCS

SB 1123-Gibbons, et al

SJR 29-Steelman, et al

SB 1138-Bartle

SB 870-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al,
with SCS

SB 1080-Nodler, et al

SB 1099-Gibbons, et al, with SCS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 951-Griesheimer

SB 952-Wheeler, with SCS

SB 1012-Caskey

SB 1062-Griesheimer, with SCS

SB 1075-Coleman, with SCS

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS RESOLUTIONS

To be Referred

SCR 37-Shields and Bartle

Reported from Committee

SCR 34-Caskey

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY--MONDAY, FEBRUARY 16, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Nevertheless, amid the greatest difficulties of my Administration, when I could not see any other resort, I would place my whole reliance on God, knowing that all would go well, and that He would decide for the right." (Abraham Lincoln, October 24, 1863)

Gracious God, we gather to again deal with the various difficulties that we face; help us to rely on You knowing that You will decide what is right for us and guide and direct our hearts and minds in all we do. And Lord, we pray for Fred Fisher's family, that You may comfort them and us in our grief and help us commend him to Your loving care. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 12, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

The Senate observed a moment of silence in memory of Fred Fisher.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1325, regarding Emily Kiddoo, Memphis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1326, regarding John "Jack" Pieschel, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1327, regarding Captain Terry Roberds, Oakville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1328, regarding Elaine Kimker, Crestwood, which was adopted.

Senator Wheeler offered Senate Resolution No. 1329, regarding Maria Jurado, Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 1330, regarding National TRIO Day, which was adopted.

Senator Vogel offered Senate Resolution No. 1331, regarding the late Joe Fancier, Tipton, which was adopted.

Senator Gibbons offered Senate Resolution No. 1332, regarding volunteers of the March of Dimes, which was adopted.

Senator Dolan offered Senate Resolution No. 1333, regarding David L. Juline, Moscow Mills, which was adopted.

Senators Gibbons and Dougherty offered Senate Resolution No. 1334, regarding Mary Ellen O'Brien, Kirkwood, which was adopted.

Senator Scott offered Senate Resolution No. 1335, regarding Bruce Hager, Cole Camp, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey moved that **SCR 34** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SCR 34** was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dolan	Stoll--3	
	Absent with leave--Senators--None		

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1254-By Klindt.

An Act to repeal section 643.350, RSMo, and to enact in lieu thereof one new section relating to the Missouri air emission reduction fund.

SB 1255-By Dougherty.

An Act to repeal section 195.070, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

SB 1256-By Caskey.

An Act to repeal section 56.814, RSMo, and to enact in lieu thereof eight new sections relating to district attorneys.

SB 1257-By Days and Foster.

An Act to repeal section 160.261, RSMo, and to enact in lieu thereof one new section relating to school discipline, with penalty provisions.

SB 1258-By Scott.

An Act to repeal section 565.110, RSMo, and to enact in lieu thereof one new section relating to kidnapping of a child, with penalty provisions.

SB 1259-By Childers.

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to temporary boater education permits, with a termination date.

SB 1260-By Dolan.

An Act to repeal section 307.178, RSMo, and to enact in lieu thereof one new section relating to seat belts.

SB 1261-By Dolan.

An Act to repeal sections 287.020 and 287.067, RSMo, and to enact in lieu thereof two new sections relating to occupational diseases within the workers' compensation law.

SB 1262-By Dolan.

An Act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

SB 1263-By Dolan.

An Act to repeal sections 407.730 and 407.735, RSMo, and to enact in lieu thereof two new sections relating to car rental insurance, with a penalty provision.

SB 1264-By Scott.

An Act to repeal sections 262.810, 523.010, 523.040, and 523.070, RSMo, and to enact in lieu thereof four new sections relating to the taking of property.

SB 1265-By Bartle.

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review board membership.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred

SB 1107, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 920**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 921**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SRB 1108**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SS** for **SB 1000**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 730**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 1080** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Clemens assumed the Chair.

Senator Days offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 93, by inserting after all of said line the following:

"Section 1. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, as such terms are defined in section 160.261, RSMo, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a drop-out or be included in the calculation of that district's educational persistence ratio."; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 93, by inserting after all of said line the following:

"160.720. 1. The department of elementary and secondary education shall identify as a priority school any school building or attendance center that fails to meet acceptable standards of student achievement established by the state board of education and based upon factors which shall include, but not be limited to, student assessments, graduation rate, drop-out rate, school attendance rate, graduate placement in college, vocational or technical school, or high-wage employment and incidence of school violence.

2. The board of education of any district that contains a priority school shall submit a comprehensive school improvement plan that provides for the following:

(1) Identification of the areas of academic deficiency in student performance on the statewide assessment established pursuant to section 160.518 by disaggregating scores based upon school, grade, academic content area and student demographic subgroups, which shall include, but shall not be limited to, race, ethnicity, disability status, migrant status, limited English proficiency, and economic disadvantage;

(2) Implementation of research-based strategies to assist the priority school in addressing the areas of deficiency;

(3) Alignment of the priority school's curriculum to address deficiencies in student achievement;

(4) Reallocation of district resources to address the areas of academic deficiency, which shall include focusing available funding on professional development in the areas of deficiency; and

(5) Listing of all school buildings and attendance centers declared to be priority schools in the district's annual school accountability report distributed pursuant to section 160.522.

3. The state board of education may appoint a team to conduct an educational audit of any priority school to determine the factors that have contributed to the lack of student achievement and shall give audit priority to schools based upon failure to meet standards of student achievement as established pursuant to this section.

(1) An audit team shall include an experienced teacher and an experience administrator and the size of the audit team shall be based upon the size of the school to be audited;

(2) The audit team shall report its findings to the state board of education and the local board of education;

(3) The state board may require all or part of those findings to be addressed in the comprehensive school improvement plan required pursuant to this section.

4. Comprehensive school improvement plans shall be evaluated based upon standards established pursuant to subsection 2 of this section and upon the following timelines:

(1) The comprehensive school improvement plan shall be submitted to the department of elementary and secondary education on or before August fifteenth following any school year in which a school district building meets the criteria established under subsection 1 of this section;

(2) The department of elementary and secondary education shall review and identify areas of concern in the plan within sixty days of receipt; and

(3) Changes to the plan shall be forwarded to the department of elementary and secondary education within sixty days of notice to the district of the areas of concern.

5. The department of elementary and secondary education shall withhold funds authorized in section 163.031, RSMo, from any school district that fails to submit a comprehensive school improvement plan based upon the standards and timelines established in this section. Withheld funds shall be released upon submission of a comprehensive school improvement plan that meets the established requirements.

6. Designation as a priority school and the effectiveness of the school district in implementing the comprehensive school improvement plan required under this section shall be considered by the state board of education in the school district's accreditation granted pursuant to section 161.092, RSMo.

7. No rule or portion of a rule promulgated under this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

[160.538. 1. By July 1, 1996, the state board of education shall develop a procedure and criteria for determining that a school in a school district is "academically deficient". In making such a determination for any school, the state board of education shall consider the results for the school from the assessment system developed pursuant to the provisions of section 160.518 together with the results from the education audit performed under subsection 2 of this section.

2. (1) Prior to a decision that a school is academically deficient, the state board of education shall appoint an audit team of at least ten persons to conduct an education audit of the school to determine the factors that have contributed to the lack of student achievement at the school as measured by the district assessment system and make a finding as to whether the school is academically deficient. The specific standards and implementation of the education audit shall be pursuant to rules adopted by the state board of education.

(2) The audit team shall report its findings to the state board. If the audit team finds that the school is academically deficient, then the state board shall declare the school to be academically deficient.

(3) Following a decision that a school is academically deficient, the state board of education shall, within sixty days, appoint a management team of at least ten persons to conduct any necessary investigations and make any recommendations the team believes are appropriate for the administration and management of the school necessary to promote student achievement and any additional resources which are required. Funds shall be provided, upon appropriation, under subsection 2 of section 160.530 for the operation of the audit and management teams and resources needed in the district.

(4) In the appointment of the audit and management teams, the state board of education shall appoint such persons so that at least fifty percent of the team is composed of active classroom teachers at the elementary, middle or secondary level grades. Teachers who have retired within five years of the appointment may be included in the classroom teacher component of the team. Further, no more than two persons of said team may be employees of the department of elementary and secondary education. At least one member of the team shall be a public school superintendent from

another district.

(5) The management team shall report its findings and recommendations to the state board within sixty school days. The commissioner of education shall, subject to availability of resources, provide resources to the district as recommended by the management team. The management team report may also include recommendations for one or more of the following:

- (a) Conduct a recall election for each member of the district school board;
 - (b) Suspend indefinite contracts for certificated staff in the school and a one-year maximum length for new or renewal of contracts for the superintendent or the principal of the school;
 - (c) Require that the district develop a plan for the recruitment and retention of high quality teachers and administrators within the district; or
 - (d) Appoint a school accountability council to monitor one or more school buildings in the district.
- (6) The education audit team shall reevaluate the school two years after the filing of the management team report. No recall election, suspension of indefinite contract or maximum contract length limit may be imposed unless the audit team determines that the school is still academically deficient.

(7) The commissioner of education shall, upon such recommendation by the management team and upon approval by the state board of education, but only in the case where the education audit team finds the school academically deficient in its reevaluation audit under subdivision (6) of this subsection, order an election in the district to be held for the purpose of conducting a recall election of all members of the district school board. The recall election shall be held on the next available election day thereafter as provided under section 115.123, RSMo, and shall be conducted pursuant to chapter 115, RSMo, except as otherwise provided herein.

3. (1) A district school board member of a district which contains a school declared academically deficient may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least twenty-five percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(2) Within ten days from the date of filing such petition the election authority shall examine and ascertain whether said petition is signed by the requisite number of voters; and he shall attach to the petition his certificate, showing the result of the examination. If the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The election authority shall, within ten days after such amendment, make like examination of the amended petition and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the election authority shall submit the same to the district board without delay. If the petition shall be found to be sufficient, the district board shall order the question to be submitted to the voters of the district.

(3) If a majority of the voters vote in favor of retaining the member, he shall remain in office and shall not be subject to another recall election during his term of office except as provided in subsection 2 of this section. If a majority of voters vote to remove the member, his successor shall be chosen as provided in section 162.261, RSMo.

4. Under subdivision (5) of subsection 2 of this section, a district board of education may suspend indefinite contracts and issue probationary contracts to all certificated staff in a school declared academically deficient. However, no such indefinite contract for any person may be suspended without providing the person an opportunity for a due process hearing, conducted according to the provisions of chapter 536, RSMo, and only after the school board demonstrates

that the performance of the person's duties contributed to the school meeting the criteria for being declared academically deficient. The district board of any school which is declared academically deficient shall not issue new contracts or renew contracts to either the superintendent or the principal of the academically deficient school for a period of longer than one year. The provisions of other law to the contrary notwithstanding, a probationary teacher in a school declared academically deficient shall not be granted an indefinite contract until one year after such school is no longer determined to be academically deficient, and the probationary teacher meets all other requirements for permanent status required by law.

5. (1) If the management team so recommends pursuant to subdivision (5) of subsection 2 of this section, a district board of education may appoint a school accountability council for one or more buildings within the district.

(2) The school accountability council may monitor implementation of an instructional resource reallocation plan within the areas of deficiency identified by the state board of education.

(3) The school accountability council shall consist of seven members, with no fewer than four members being the parent or guardian of a student currently enrolled in the school building.

(4) If the district board of education fails to appoint a school accountability council pursuant to this subsection, then the state board of education may appoint the council.

6. An instructional resource reallocation plan for any school building shall provide for the focusing of any discretionary local, state or federal funds available to the school on the areas of academic deficiency. The instructional resource reallocation plan shall address:

(1) Instruction in math and reading/communication arts if performance by students in those areas under the assessment system developed pursuant to section 160.518 is such that the percentage of the subject school's students scoring at step 1 of the assessment scale is at least twice the percentage of students statewide scoring at step 1 of the assessment scale;

(2) Professional development to improve instruction in the areas of academic deficiency or in areas where the number of certificated staff teaching one or more classes outside of their area of certification results in ten percent or more of the students within the school building being taught by teachers outside their areas of certification;

(3) Special education and related services and the level of integration of children with disabilities within the regular education curriculum where the percentage of students eligible to receive services under the Individuals with Disabilities Education Act and scoring at step 1 of the assessment scale of the assessment system developed pursuant to section 160.518 is at least twice the percentage of students statewide who are eligible to receive services under the Individuals with Disabilities Education Act and who score at step 1 of the assessment scale;

(4) Any waivers required for implementation of the plan to be requested on behalf of the district from the state board of education.

7. The school accountability council shall report annually to the state board of education with regard to the implementation of the instructional resources reallocation plan until such time as the academic deficiencies are addressed.

8. Notwithstanding any other provision of law to the contrary, any district which has one or more buildings declared academically deficient shall provide summer school programming to any student making application in those areas identified as an area of concern by the school audit team pursuant to subsection 2 of this section.

9. (1) Subject to appropriation, the state board of education may establish a program of financial aid for prospective teachers to assist schools identified as academically deficient.

(2) This program may include tuition reimbursement for current teachers and student loan forgiveness for new teachers employed within the district based upon their term of service in the district.

(3) Financial aid shall be provided in those areas of instruction where certificated staff are teaching one or more classes outside of their area of certification.]

[160.720. 1. The department of elementary and secondary education shall identify for recognition by the governor schools demonstrating high student achievement to be designated as performance schools. In addition, the department of elementary and secondary education shall identify those waivers of administrative rule authorized under state law appropriate for the recognized school district or school. The department of elementary and secondary education shall endeavor to identify waivers of administrative rule that result in a meaningful reduction in administrative burden on the districts recognized in this section.

2. The department of elementary and secondary education shall identify priority school districts and priority schools based upon the following criteria:

(1) School attendance centers declared academically deficient by the state board of education as authorized by section 160.538;

(2) School districts declared unaccredited or provisionally accredited by the state board of education pursuant to section 161.092, RSMo; or

(3) School districts or school attendance centers that do not meet any of the accreditation standards on student performance established by the state board of education based upon the statewide assessment system authorized pursuant to section 160.518.

3. The board of education of any priority school district or priority school shall submit, as a part of a comprehensive school improvement plan, an accountability compliance statement that shall:

(1) Identify and analyze areas of deficiency in student performance by school, grade and academic content area;

(2) Provide a comprehensive strategy for addressing these areas of deficiency;

(3) Assure disclosure of these areas of deficiency in the school accountability report card required pursuant to section 160.522;

(4) Permit a metropolitan district that is implementing a program of academic improvement in a school or schools identified pursuant to a settlement agreement for a desegregation lawsuit to submit the elements of the accountability compliance statement required in subdivisions (1) to (3) of this subsection for review for possible waiver solely in regard to the schools identified for academic improvement pursuant to the settlement agreement; provided, however, that the department of elementary and secondary education shall meet with any district covered by the provisions of this subdivision prior to the district submitting any element of an accountability compliance statement, so that the department may identify elements of the settlement agreement academic improvement plan that are substantially similar to the requirements contained in this section, and the department shall advise such district if, based on its review, any further plan or reporting of such plans or elements is required; and

(5) Require school boards of each district to annually review the school discipline provisions contained in section 160.261, and sections 167.023, 167.026, 167.117, 167.161 to 167.171 and 167.335, RSMo, and ensure that the district's discipline policies are consistent with the above listed sections.

4. The comprehensive strategy for addressing areas of deficiency required pursuant to this section shall address the following areas:

(1) Align curriculum to address areas of deficiency in student achievement;

(2) Develop, for any student who is not receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, who is performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518, an individual

performance plan in that subject area which shall:

- (a) Be developed by the teacher or teachers in consultation with the child's parent, guardian, or other adult responsible for the student's education;
 - (b) Outline responsibilities for the student, parent, guardian, or other adult responsible for the student's education, teachers, and administrators in implementing the plan. Such plans shall not require the level of documentation and procedural complexities of an individualized education plan pursuant to sections 162.670 to 162.699, RSMo, but shall contain sufficient detail for all parties to understand their responsibilities in the implementation of the student's performance plan;
 - (c) State that the student's parent, guardian, or other adult responsible for the student's education shall act in good faith to implement the student performance plan and make reasonable efforts to meet with the teacher when requested or required by the plan; and
 - (d) Require those students performing at a level not determined or at the lowest level of proficiency in any subject area under the statewide assessment established pursuant to section 160.518 to be provided with additional instruction time and for students in grade nine to eleven to retake the assessment;
- (3) Focus state and local professional development funds on the areas of greatest academic need, including a statement relating to accessing the resources and services of the regional professional development center and support from state professional development funds;
- (4) Create programs to improve teacher and administrator effectiveness;
- (5) Establish school accountability councils consistent with the procedures stated in subsection 5 of section 160.538 or align any existing parent advisory council with the requirements of subsection 5 of section 160.538;
- (6) Develop a resource reallocation plan for the district; and
- (7) Consider the need to implement strategies pursuant to this subsection for feeder schools of any priority school.

5. The school district shall include in any program for improvement of teacher and administrator effectiveness in an accountability compliance statement policies that will:

- (1) Require school administrators and teachers, including teachers who are provisionally or temporarily certified, to participate in one of the following programs of professional development:
 - (a) A mentoring program meeting standards established by the state board of education or supervised by an individual previously designated by the department of elementary and secondary education as a regional resource teacher;
 - (b) Successful completion of a training program for certification as a scorer under the statewide assessment program authorized pursuant to section 160.518; or
 - (c) Enrollment and making adequate progress towards national board certification;
- (2) Provide one additional year of intensive professional development assistance to teachers and administrators who do not complete or make adequate progress in the professional development activities described in subdivision (1) of this subsection;
- (3) Exempt from the professional development requirements account-ability compliance statement as provided in subdivision (1) of this subsection any individual who:
 - (a) Holds qualifying scores in the appropriate professional assessment as determined by the state board of education or who elects to take and receive a qualifying score of that assessment;

- (b) Holds national board certification;
- (c) Is certified as a scorer under the statewide assessment program;
- (d) Is designated by the department of elementary and secondary education as a regional resource teacher;
- (e) Serves as a mentor teacher for one school year in a program meeting standards adopted by the state board of education; or
- (f) Successfully completes an appropriate administrator academy program offered pursuant to section 168.407, RSMo.

6. Any resource reallocation plan shall include at least one of the following elements:

- (1) Reduce class size in areas of academic concern;
- (2) Establish full-day kindergarten or preschool programs;
- (3) Establish after-school, tutoring and other programs offering extended time for learning;
- (4) Employ regional resource teachers designated by the department of elementary and secondary education or national board-certified teachers, along with appropriate salary enhancements for such teachers;
- (5) Establish programs of teacher home visitation to encourage parental support of student learning; and
- (6) Create "school within a school" programs to achieve smaller learning communities within priority schools.

7. The state board of education shall establish by administrative rule standards to evaluate accountability compliance statements, based upon the following criteria:

- (1) An accountability compliance statement shall be submitted to the department of elementary and secondary education on or before August fifteenth following any school year in which a school district meets the criteria established under subsection 2 of this section;
- (2) The department of elementary and secondary education shall review and identify areas of deficiency in the plan within thirty days of receipt; and
- (3) Changes to the plan shall be forwarded to the department of elementary and secondary education within thirty days of notice to the district of the areas of deficiency.

8. The department of elementary and secondary education shall withhold funds to be paid to the school district, as authorized in section 163.031, RSMo, until such time as the district submits an accountability compliance statement meeting the standards authorized pursuant to this section within the time lines established herein.

9. The department of elementary and secondary education shall develop within three years of the adoption of this section a program of administrator mentoring focusing on the need of priority schools and priority school districts and meeting standards established by the state board of education.

10. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

11. In any school year in which the school funding formula has a proration factor on line 1(b) of less than 0.9, the provisions of subsections 2 to 9 of this section relating to priority schools and priority school districts shall not be enforced. For any school year in which funding of the school aid formula at the level stated in this subsection appears to be in doubt after all appropriations bills are truly agreed and finally passed, the house budget chair and the senate appropriations chair shall send a joint letter to the commissioner of education by August fifteenth, notifying the department of elementary and secondary education of the likelihood that funding would be below the limit stated in

this subsection and requesting that the department not enforce subsections 2 to 9 of this section unless and until the department's calculations for the first "live" school aid payment of the school year show that the formula will have a proration factor on line 1(b) of no less than 0.9.]; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Childers offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Bill No. 1080, Page 2, Section 160.720, Line 17, by deleting said line and insert in lieu thereof the following: "**an experienced administrator from successful school districts of comparable size and per pupil funding. The size of the audit team shall**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 93, by inserting after all of said line the following:

"167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child **whose age conforms with the compulsory attendance age range for the district** not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools [and between the ages of seven and sixteen years] is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child [between the ages of seven and sixteen years of age] **whose age conforms with the compulsory attendance age range for the district** shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school for the full time required, or any part thereof;

(2) A child between fourteen [and sixteen] years of age **and the maximum age required in order to be in compliance with the compulsory attendance age range for the district** may be excused from attendance at school for the full time required, or any part thereof, by the superintendent of public schools of the district, or if there is none then by a court of competent jurisdiction, when legal employment has been obtained by the child and found to be desirable, and after the parents or guardian of the child have been advised of the pending action; or

(3) A child between five [and seven] years of age **and the minimum age required in order to be in compliance with the compulsory attendance age range for the district** shall be excused from attendance at school if a parent,

guardian or other person having charge, control or custody of the child makes a written request that the child be dropped from the school's rolls.

2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether incorporated or unincorporated, that:

(a) Has as its primary purpose the provision of private or religious-based instruction;

(b) Enrolls pupils [between the ages of seven and sixteen years] **whose ages conform with the compulsory attendance age range for the district**, of which no more than four are unrelated by affinity or consanguinity in the third degree; and

(c) Does not charge or receive consideration in the form of tuition, fees, or other remuneration in a genuine and fair exchange for provision of instruction;

(2) As evidence that a child is receiving regular instruction, the parent shall, **except as otherwise provided in this subsection**:

(a) Maintain the following records:

a. A plan book, diary, or other written record indicating subjects taught and activities engaged in; and

b. A portfolio of samples of the child's academic work; and

c. A record of evaluations of the child's academic progress; or

d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

(b) Offer at least one thousand hours of instruction, at least six hundred hours of which will be in reading, language arts, mathematics, social studies and science or academic courses that are related to the aforementioned subject areas and consonant with the pupil's age and ability. At least four hundred of the six hundred hours shall occur at the regular home school location;

(3) The requirements of subdivision (2) of this subsection shall not apply to any pupil above the age of sixteen years.

3. Nothing in this section shall require a private, parochial, parish or home school to include in its curriculum any concept, topic, or practice in conflict with the school's religious doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all departments or agencies of the state of Missouri shall be prohibited from dictating through rule, regulation or other device any statewide curriculum for private, parochial, parish or home schools.

4. A school year begins on the first day of July and ends on the thirtieth day of June following.

5. The production by a parent of a daily log showing that a home school has a course of instruction which satisfies the requirements of this section shall be a defense to any prosecution under this section **or, in the case of a pupil over the age of sixteen years who attended a metropolitan school district the previous year, a written statement that the pupil is attending home school in compliance with this section** and to any charge or action for educational neglect brought pursuant to chapter 210, RSMo.

6. (1) As used in sections 167.031 to 167.051, the term "compulsory attendance age for the district" shall mean:

(a) Six to seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age range; provided that such resolution must be submitted to the voters of the district and, upon approval by a simple majority of the voters, shall take effect no earlier than the school year next following the school year during which the resolution is adopted; or

(b) Seven to seventeen years of age for any metropolitan school district for which the school board adopts a resolution to establish such compulsory attendance age range; provided that such resolution must be submitted to the voters of the district and, upon approval by a simple majority of the voters, shall take effect no earlier than the school year next following the school year during which the resolution is adopted; or

(c) Seven to sixteen years of age in all other cases.

(2) The school board of a metropolitan school district for which the compulsory attendance age range is not seven to sixteen years may adopt a resolution to change the compulsory attendance age range to seven to sixteen years; provided that such resolution must be submitted to the voters of the district and, upon approval by a simple majority of the voters, shall take effect no earlier than the school year next following the school year during which the resolution is adopted.

167.051. 1. If a school board establishes part-time schools or classes for children under [sixteen] **seventeen** years of age, lawfully engaged in any regular employment, every parent, guardian or other person having charge, control or custody of such a child shall cause the child to attend the school not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the evening during the school year of the part-time classes.

2. All children who are under eighteen years of age, who have not completed the elementary school course in the public schools of Missouri, or its equivalent, and who are not attending regularly any day school shall be required to attend regularly the part-time classes not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the afternoon during the entire year of the part-time classes."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 1080, Pages 3-4, Section 160.518, Lines 80-93, by deleting all of said lines and inserting in lieu thereof the following:

"7. Consistent with the provisions contained in subsections 1 through 6 of this section, and consistent with the public policy of this state to provide maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by the state board of education, not later than June 30, 2006, the state board of education may administer the following adjustments to the statewide assessment system:

(1) Design the performance standards of the statewide assessment system in such a manner that such indicators both reflect those performance standards that the state board of education determines best measure and reflect the levels of proficiency in knowledge, skills and competencies adopted by the state board of education and may be reasonably reported in a manner so as to be measured against and compared with the performance standards of the National Assessment of Educational Progress (NAEP) exam;

(2) Administer any other adjustments that the state board of education deems absolutely necessary in order to meet the requirements contained in the federal "No Child Left Behind Act".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Nodler, **SB 1080**, with **SA 4** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SCR 37** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SS** for **SCS** for **SB 730** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 1156--Aging, Families, Mental and Public Health.

SB 1190--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1236--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1237--Judiciary and Civil and Criminal Jurisprudence.

SB 1238--Judiciary and Civil and Criminal Jurisprudence.

SB 1239--Economic Development, Tourism and Local Government.

SB 1240--Economic Development, Tourism and Local Government.

SB 1241--Education.

SB 1242--Pensions and General Laws.

SB 1243--Economic Development, Tourism and Local Government.

SB 1244--Judiciary and Civil and Criminal Jurisprudence.

SB 1245--Small Business, Insurance and Industrial Relations.

SB 1246--Economic Development, Tourism and Local Government.

SB 1247--Judiciary and Civil and Criminal Jurisprudence.

SB 1248--Small Business, Insurance and Industrial Relations.

SB 1249--Governmental Accountability and Fiscal Oversight.

SB 1250--Pensions and General Laws.

SB 1251--Transportation.

SB 1252--Judiciary and Civil and Criminal Jurisprudence.

SB 1253--Economic Development, Tourism and Local Government.

SJR 43--Governmental Accountability and Fiscal Oversight.

SJR 46--Financial and Governmental Organization, Veterans' Affairs and Elections.

REPORTS OF STANDING COMMITTEES

Senator Vogel requested unanimous consent of the Senate to have the committee report on **SB 754** returned to the Ways and Means Committee, as it was inadvertently turned in during committee reports of consent bills, which request was granted.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1336, regarding Nicholas J. "Nick" Klaus, Fenton, which was adopted.

Senator Dougherty offered Senate Resolution No. 1337, regarding the late Nicholas Kevin Sloan, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1338, regarding Officer Edward P. Benoist, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, his wife Joncee, Joplin; his granddaughter Rachel and her mother, Nicole Anderson, Webb City; his sister Janice Vaughn and her husband Jim, Tulsa, Oklahoma; and Elaina Edmond, Joplin; and Rachel was made an honorary page.

Senator Champion introduced to the Senate, Linda Bly and her daughters, Kathleen and Molly, and Lindsay Lassley, Jackie Cantrell, and Erica Juchems, Springfield; and Henata Freitas, Brazil.

Senator Caskey introduced to the Senate, Larry and Lesa Berry and Donieta Davis, Hume.

Senator Yeckel introduced to the Senate, Brian and Pat O'Shea, St. Louis County.

On behalf of Senator Coleman and herself, Senator Bray introduced to the Senate, Debra O'Hara and Amie Shea, St. Louis.

Senator Foster introduced to the Senate, his daughter Karmen Foster, Alana Robertson, and Barb Norman, Poplar Bluff.

On behalf of Senator Shields, the President introduced to the Senate, Educators from Platte and Buchanan Counties.

Senator Gibbons introduced to the Senate, his daughter Meredith, Kirkwood.

Senator Loudon introduced to the Senate, the Seventh Senatorial Leadership Academy, St. Louis County.

Senator Kinder introduced to the Senate, Gerald Landewee, Charlie Glueck, Roger Thomas, Jackie Ludwig and Linda Schoen, Cape Girardeau County.

Senator Mathewson introduced to the Senate, Kathy O'Laughlin, and her son Jordan Brauer; and fifteen fifth grade students from David Barton Elementary School, Boonville.

Senator Dolan introduced to the Senate, Elaine Henderson, Troy.

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler and her husband, Walter, and their daughter, Diane Anderson, St. Louis County.

Senator Caskey introduced to the Senate, Jim Jackson, Warrensburg.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-THIRD DAY-TUESDAY, FEBRUARY 17, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1254-Klindt

SB 1255-Dougherty

SB 1256-Caskey

SB 1257-Days and Foster

SB 1258-Scott

SB 1259-Childers

SB 1260-Dolan

SB 1261-Dolan

SB 1262-Dolan

SB 1263-Dolan

SB 1264-Scott

SB 1265-Bartle

SJR 47-Cauthorn

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle

SCS for SBs 1144, 919 & 874-Dolan, et al

SS for SB 732-Gross

SS for SCS for SB 730-Gross

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SJR 44-Dolan, with SCS

SB 933-Yeckel, et al

SB 1038-Yeckel, with SCS

SB 969-Shields, with SCS

SB 856-Loudon, with SCS

SB 1123-Gibbons, et al

SJR 29-Steelman, et al

SB 1138-Bartle

SB 870-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS,

SS for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al,

with SCS

SB 1080-Nodler, et al, with SA 4 (pending)

SB 1099-Gibbons, et al, with SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 951-Griesheimer

SB 952-Wheeler, with SCS

SB 1012-Caskey

SB 1062-Griesheimer, with SCS

SB 1075-Coleman, with SCS

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 920-Caskey

SB 921-Caskey, with SCS

SRB 1108-Bartle

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY--TUESDAY, FEBRUARY 17, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Happy are those who make the Lord their trust." (Psalm 40:4)

Gracious God, let us put our trust in You and guide our daily activities so that we might experience You at the center of our lives and know a happiness that the world cannot give and share it with those with whom we work. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1339, regarding the Ninetieth Birthday of William Louis Jolly Dee, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1340, regarding the Ninetieth Birthday of Thomas N. Pennacchio, Warrensburg, which was adopted.

Senator Gross offered Senate Resolution No. 1341, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Gillardi, Sr., St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1342, regarding St. Louis Data Destruction, St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 1343, regarding the St. Louis 1904 World's Fair Charitable Foundation, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1266-By Kennedy, Callahan, Loudon, Stoll and Shields.

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the children's health insurance program.

SB 1267-By Kinder.

An Act to repeal section 416.615, RSMo, and to enact in lieu thereof two new sections relating to consumer protection.

SB 1268-By Shields.

An Act to repeal section 229.340, RSMo, and to enact in lieu thereof one new section relating to public rights-of-way.

THIRD READING OF SENATE BILLS

SS for **SB 1000**, introduced by Senator Bartle, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1000

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof five new sections relating to a DNA profiling system, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Bartle, **SS** for **SB 1000** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Days	Dolan
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Jacob--5

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SBs 1144, 919** and **874**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1144, 919 and 874

An Act to repeal sections 301.141, 301.142, 301.143, and 302.181, RSMo, and to enact in lieu thereof five new sections relating to the operation of motor vehicles, with penalty provisions and an effective date.

Was taken up by Senator Dolan.

On motion of Senator Dolan, **SCS** for **SBs 1144, 919** and **874** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Days	Stoll--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Childers requested unanimous consent of the Senate to allow members of the Economic Development, Tourism and Local Government Committee's study group on **SB 1082** to meet today while the Senate is in afternoon session, which request was granted.

SS for **SB 732**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 732

An Act to repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof two new sections relating to the duties of the metropolitan park and recreation system.

Was taken up.

On motion of Senator Gross, **SS** for **SB 732** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Days--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 1080**, with **SA 4** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 89, by striking "federal standards" and inserting in lieu thereof the following: "**existing federal standards, as of the effective date of this section**"; and

Further amend line 92, by striking "federal standards" and inserting in lieu thereof the following: "**existing federal standards, as of the effective date of this section**".

Senator Jacob moved that above amendment be adopted, which motion prevailed.

On motion of Senator Nodler, **SB 1080**, as amended, was declared perfected and ordered printed.

SJR 44, with **SCS**, was placed on the Informal Calendar.

SB 933 was placed on the Informal Calendar.

Senator Dolan moved that **SJR 44**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SJR 44**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 44

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation.

Was taken up.

Senator Dolan moved that **SCS** for **SJR 44** be adopted.

Senator Dolan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 44, Page 4, Section 30(b), Line 92, by striking "or"; and further amend line 97 by inserting at the end of said line the following: **" ; or "**; and further amend said line by inserting after all of said line the following:

"(4) To cover any refunds related to motor fuel taxes, motor sales taxes, motor vehicle registration fees, or other state revenue derived from highway users"; and

Further amend said bill and section, page 5, line 116, by inserting at the end of said line the following: **"The amount of the proceeds credited to the state road fund pursuant to this subsection shall not include any of the revenues which are derived from the one cent sales tax, approved by the voters in 1982 by Proposition C, imposed on all motor vehicles, trailers, motorcycles, mopeds and motortricycles that are credited to the school district trust fund as provided by law."**; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Joint Resolution No. 44, Page 5, Section 30(b), Line 139, by adding the following:

"8. The commission shall contract with other state agencies and departments for the services provided by such agencies and departments. Such services provided by such agencies and departments shall include, but not be limited to, the collection of highway revenues. The provisions of this section shall not apply if the commission decides to perform the services internally, if authorized by law."

Senator Goode moved that the above amendment be adopted.

At the request of Senator Dolan, **SJR 44**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1344, regarding Jacquelyn J. Schrader, St. Ann, which was adopted.

Senator Stoll offered Senate Resolution No. 1345, regarding Kenton William "Kent" Botkin, Pevely, which was adopted.

Senator Champion offered Senate Resolution No. 1346, regarding Boy Scout Troop 31, Springfield, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1347, regarding Lewis W. Galbreath, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1348, regarding Lorraine Galbreath, Mexico, which was adopted.

Senator Klindt offered Senate Resolution No. 1349, regarding the One Hundredth Birthday of Winona Godman, Jamesport, which was adopted.

Senator Klindt offered Senate Resolution No. 1350, regarding the Fraternal Order of Eagles Marceline Aerie #726, Marceline, which was adopted.

Senator Klindt offered Senate Resolution No. 1351, regarding Kenneth Budine, Savannah, which was adopted.

Senator Klindt offered Senate Resolution No. 1352, regarding Kyle Budine, Savannah, which was adopted.

Senator Yeckel offered Senate Resolution No. 1353, regarding Dr. O. Victor Lenz, Jr., Ph.D., Crestwood, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SJR 44**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Gross assumed the Chair.

SA 2 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion failed on a standing division vote.

SCS for **SJR 44**, as amended, was again taken up.

Senator Dolan moved that **SCS** for **SJR 44**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SJR 44**, as amended, was declared perfected and ordered printed.

Senator Gibbons moved that **SB 1099**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 1099**, as amended, was again taken up.

Senator Gibbons offered **SS** for **SCS** for **SB 1099**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1099

An Act to repeal sections 21.810, 32.057, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof fifteen new sections relating to tax credits, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for **SB 1099**, be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 9, Section 32.057, Line 19, by inserting immediately after said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child **who was born in Missouri and at least one of the natural parents of the child was a resident of Missouri for two years prior to the child's birth, or a child who was in the care of the department of social services for the two years prior to adoption** and for whom it has been determined by the division of family services, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 1** is out of order as it is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Loudon offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 2, Section 135.326, Lines 5-9, by striking all of said lines and replacing them with the following:

""Special needs child", a child who is in need of a family for whom it has been"; and

Further amend said amendment, line 19 by inserting after said line the following:

(c) When applications exceed the availability of appropriated credits priority shall go to those applications submitted for children who reside in the custody of a Missouri child-placing agency."

Senator Loudon moved that the above substitute amendment be adopted.

Senator Goode raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem.

At the request of Senator Loudon, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

SA 1 was again taken up.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Gibbons offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 21, Section 135.820, Lines 11-24, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 10, Section 135.800, Line 10 of said page, by striking the words "financial institutions tax credits,"; and

Further amend said bill and section, page 11, lines 27-29 of said page, by striking all of said lines; and

Further amend said bill and section, page 12, lines 1-7 of said page, by striking all of said lines; and

Further amend said section by renumbering the remaining subdivisions accordingly.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Bartle, **SA 3** was withdrawn.

Senator Gibbons moved that **SS** for **SCS** for **SB 1099**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 1099**, as amended, was declared perfected and ordered printed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1254--Commerce and the Environment.

SB 1255--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1256--Judiciary and Civil and Criminal Jurisprudence.

SB 1257--Education.

SB 1258--Judiciary and Civil and Criminal Jurisprudence.

SB 1262--Transportation.

SB 1263--Transportation.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 1354, regarding Logan Skelley, Joplin, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wheeler introduced to the Senate, St. Peter's School Cub Scout Pack 118, Kansas City.

On behalf of Senator Jacob and himself, Senator Clemens introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, M.D., Columbia.

Senator Klindt introduced to the Senate, 2003-2004 State FFA Officers, Gina Eckler, Shelbyville; Chase Holcumbrink, Springfield; Nichole Busdieker, Hawk Point; Allison Yarnell, St. Joseph; Brook Carder, Gallatin; Marin Summers, Palmyra; Ryun Morris, Higginsville; Sara Muri, Jamestown; Blake Harper, Carthage; Brian Worthington, Dadeville; Jesse Cheever, West Plains; Rachel Whitener, Fredericktown; Casey Blevins, Bernie; and Heather Shauck, Barnett.

Senator Quick introduced to the Senate, Representatives of the Missouri Nurses Association from around the state.

Senator Scott introduced to the Senate, Rebecca McClanahan, Stephanie Tico, Jessica McCracken, Emily Holm, Rebecca Dial, Sara Manual, Jennifer Roth, Rory Kane and Angela Suppasansathorn from Truman State University, Kirksville.

Senator Loudon introduced to the Senate, Representatives of Teen Eagles from St. Louis County, St. Charles County, and Franklin County.

Senator Kennedy introduced to the Senate, Bonnie Kerby, Emily Zimmerman, Angie DiRaimondo, Christine Hood, Elizabeth Franklin, Melody Temares, Laura Polt, Julie Tiedeman, Katie Moeller and Mark Augustinius, St. Louis University School of Nursing, St. Louis.

On behalf of Senator Kennedy and herself, Senator Yeckel introduced to the Senate, Senator Kennedy's nephew Michael Guehring, and Karen Papin and fifth grade students from Crestwood Elementary School, St. Louis County.

On behalf of Senator Yeckel and himself, Senator Griesheimer introduced to the Senate, Sheila Leander and Catherine Ebeling, Wildwood; Ellen Baker, Oakville; and Ginna Mebon, Town and Country.

On behalf of Senator Quick and himself, Senator Griesheimer introduced to the Senate, Wesley and Linda Herweck, Union; and John, Sarah, James and Jacob Andrus, Kansas City.

Senator Gross introduced to the Senate, Darrell and Darlene Hunt, St. Charles.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY-WEDNESDAY, FEBRUARY 18, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1259-Childers

SB 1260-Dolan

SB 1261-Dolan

SB 1264-Scott

SB 1265-Bartle

SB 1266-Kennedy, et al

SB 1267-Kinder

SB 1268-Shields

SJR 47-Cauthorn

THIRD READING OF SENATE BILLS

SS for SCS for SB 730-Gross

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1038-Yeckel, with SCS

SB 969-Shields, with SCS

SB 856-Loudon, with SCS

SB 1123-Gibbons, et al

SJR 29-Steelman, et al

SB 1138-Bartle

SB 870-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 933-Yeckel, et al

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al,
with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 951-Griesheimer

SB 952-Wheeler, with SCS

SB 1012-Caskey

SB 1062-Griesheimer, with SCS

SB 1075-Coleman, with SCS

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 920-Caskey

SB 921-Caskey, with SCS

SRB 1108-Bartle

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY--WEDNESDAY, FEBRUARY 18, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"I am God, and also henceforth I am He; there is no one who can deliver from my hand; I work and who can hinder it?" (Isaiah 43:13)

Almighty God, we honor Your power for in time You make all things work out as You have intended they shall be. We pray that in that process we may be among those whose efforts assist in bringing about what Your holy will is for our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1355, regarding Parents as Teachers Day, which was adopted.

Senator Wheeler offered Senate Resolution No. 1356, regarding the Consulate of the Slovak Republic in Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 1357, regarding Crystal Lynn Beasley, Manchester, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1269-By Yeckel.

An Act to repeal section 67.1545, RSMo, and to enact in lieu thereof one new section relating to sales and use tax authorized in certain districts.

SB 1270-By Yeckel.

An Act to amend chapter 307, RSMo, by adding thereto eleven new sections relating to motor scooters, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SB 730**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1080**; and **SCS** for **SJR 44**, begs leave to report that it has examined the same and finds that the bill and joint resolution have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 1038**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1038**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1038

An Act to repeal sections 33.103, 166.435, 408.032, 408.140, 408.190, 408.232, 432.045, 443.130, and 570.223, RSMo, and to enact in lieu thereof twenty-seven new sections relating to banking, with penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 1038** be adopted.

Senator Yeckel offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1038, Page 19, Section 443.130, Line 3, by striking "business"; and further amend lines 11-12 by striking the words "A business day is any day except Saturday, Sunday and legal holidays."; and

Further amend said bill, section 570.223, pages 19-22, by striking said section from the bill; and

Further amend said bill, section 570.224, pages 22-23, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1038, Section 166.520, Page 10, Line 27, by inserting the words: "**The total of any and all such fees shall not equate to more than one hundred basis points annually.**" immediately following the word "services."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Yeckel, **SB 1038**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1271-By Coleman.

An Act to repeal sections 701.300, 701.302, 701.310, 701.316, 701.326, and 701.330, RSMo, and to enact in lieu thereof twelve new sections relating to the prevention, screening, and treatment of lead poisoning.

SB 1272-By Coleman.

An Act to amend chapter 454, RSMo, by adding thereto three new sections relating to the child support insurance act.

SB 1273-By Coleman.

An Act to amend chapter 324, RSMo, by adding thereto six new sections relating to security guards.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 969**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 969**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 969

An Act to repeal sections 163.031 and 168.515, RSMo, and to enact in lieu thereof two new sections relating to the removal of the proration factor for purposes of calculating career ladder payments.

Was taken up.

Senator Shields moved that **SCS** for **SB 969** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 969, Page 12, Section 168.515, Line 89, by inserting after all of said line, the following:

"Section B. The provisions of this act shall become effective on August 28, 2006."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1** was withdrawn.

Senator Steelman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 969, Page 9, Section 163.031, Line 290, by inserting after all of said line the following:

"168.500. 1. For the purpose of providing career pay, which shall be a salary supplement, for public school teachers, which for the purpose of sections 168.500 to 168.515 shall include classroom teachers, librarians, guidance counselors and certificated teachers who hold positions as school psychological examiners, parents as teachers educators, school psychologists, special education diagnosticians and speech pathologists, and are on the district salary schedule, there is hereby created and established a career advancement program which shall be known as the "Missouri Career Development and Teacher Excellence Plan", hereinafter known as the "career plan or program". Participation by local school districts in the career advancement program established under this section shall be voluntary. The career advancement program is a matching fund program of variable match rates. The general assembly shall make an annual appropriation to the excellence in education fund established under section 160.268, RSMo, for the purpose of providing the state's portion for the career advancement program. The "Career Ladder Forward Funding Fund" is hereby established in the state treasury. Beginning with fiscal year 1998 and until the career ladder forward funding fund is terminated pursuant to this subsection, the general assembly shall appropriate funds to the career ladder forward funding fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All interest or other gain received from investment of moneys in the fund shall be credited to the fund. All funds deposited in the fund shall be maintained in the fund until such time as the balance in the fund at the end of the fiscal year is equal to or greater than the appropriation for the career ladder program for the following year, at which time all such revenues shall be used to fund, in advance, the career ladder program for such following year and the career ladder forwarding funding fund shall thereafter be terminated.

2. The department of elementary and secondary education, at the direction of the commissioner of education, shall study and develop model career plans which shall be made available to the local school districts. These state model career plans shall:

- (1) Contain three steps or stages of career advancement;
- (2) Contain a detailed procedure for the admission of teachers to the career program;
- (3) Contain specific criteria for career step qualifications and attainment. These criteria shall clearly describe the minimum number of professional responsibilities required of the teacher at each stage of the plan and shall include reference to classroom performance evaluations performed pursuant to section 168.128;
- (4) Be consistent with the teacher certification process recommended by the Missouri advisory council of certification for educators and adopted by the department of elementary and secondary education;
- (5) Provide that public school teachers in Missouri shall become eligible to apply for admission to the career plans adopted under sections 168.500 to 168.515 after five years of public school teaching in Missouri. All teachers seeking

admission to any career plan shall, as a minimum, meet the requirements necessary to obtain the first renewable professional certificate as provided in section 168.021;

(6) Provide procedures for appealing decisions made under career plans established under sections 168.500 to 168.515.

3. The commissioner of education shall cause the department of elementary and secondary education to establish guidelines for all career plans established under this section, and criteria that must be met by any school district which seeks funding for its career plan.

4. A participating local school district may have the option of implementing a career plan developed by the department of elementary and secondary education or a local plan which has been developed with advice from teachers employed by the district and which has met with the approval of the department of elementary and secondary education. In approving local career plans, the department of elementary and secondary education may consider provisions in the plan of the local district for recognition of teacher mobility from one district to another within this state.

5. The career plans of local school districts shall not discriminate on the basis of race, sex, religion, national origin, color, creed, or age. Participation in the career plan of a local school district is optional, and any teacher who declines to participate shall not be penalized in any way.

6. In order to receive funds under this section, a school district which is not subject to section 162.920, RSMo, must have a total levy for operating purposes which is in excess of the amount allowed in section 11(b) of article X of the Missouri Constitution; and a school district which is subject to section 162.920, RSMo, must have a total levy for operating purposes which is equal to or in excess of twenty-five cents on each hundred dollars of assessed valuation.

7. The commissioner of education shall cause the department of elementary and secondary education to regard a speech pathologist who holds both a valid certificate of license to teach and a certificate of clinical competence to have fulfilled the standards required to be placed on stage III of the career program, provided that such speech pathologist has been employed by a public school in Missouri for at least five years."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Childers offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 969, Page 4, Section 168.500, Line 17, by adding after the word "**years**" on said line the following "**and is approved for placement at such stage III by the local school district**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 969, Page 12, Section 168.515, Line 89, by inserting after all of said line, the following:

"Section B. The provisions of this act shall become effective when hell freezes over."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 969, Page 12, Section 168.515, Line 89, by inserting after all of said line, the following:

"Section B. The provisions of this act shall become effective on the 12th of never."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **SSA 1** for **SA 3** was withdrawn.

SA 3 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 969, Page 12, Section 168.515, Line 89, by inserting immediately after said line the following:

"171.053. 1. The general assembly hereby finds and declares that:

(1) The Future Farmers of America Organization (FFA Organization), Family, Career, and Community Leaders of America (FCCLA) and 4-H programs in the state and the organized competitions held as a part of the Missouri state fair involve an education and learning process that is not otherwise available in the regular curriculum of secondary education in Missouri;

(2) The principles and practices learned by students in such programs are highly beneficial to students;

(3) Participation in such programs should be encouraged; and

(4) One method of encouraging participation in such programs is to allow such participation to be counted as school attendance for the purpose of determining state school aid.

2. It is the purpose and intent of this section to assure that participation of students in sanctioned activities of such programs be allowed to such extent as may be determined appropriate by the school boards of the various school districts.

3. Any school district which allows an excused absence for athletics or any other extra-curricular school activity shall allow, pursuant to its written policy and with the approval of the responsible sponsoring school employee, any student enrolled in the district to use such regularly scheduled instructional time as is reasonably necessary for such student to participate in an officially-sanctioned activity of any such program; provided, if the

program is not a part of the Missouri state fair or 4-H, that such program has a local chapter which is officially recognized by the student's school.

4. For the purpose of distributing state school aid pursuant to section 163.031, RSMo, a student who is participating in an officially-sanctioned activity of any such program, as provided pursuant to subsection 3 of this section, shall be considered to be attending regularly scheduled instruction in the district and such hours of participation occurring during the regular school day shall be included in the district's calculation of average daily attendance, as defined in section 163.011, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that SCS for SB 969, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, SCS for SB 969, as amended, was declared perfected and ordered printed.

SB 856, with SCS, was placed on the Informal Calendar.

At the request of Senator Gibbons, SB 1123 was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 951, introduced by Senator Griesheimer, entitled:

An Act to repeal section 70.300, RSMo, and to enact in lieu thereof one new section relating to contracts of political subdivisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, SB 951 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dolan	Klindt	Stoll--3	
Absent with leave--Senator Bartle--1			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 952, with **SCS**, introduced by Senator Wheeler, entitled:

An Act to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to certain police officers.

Was called from the Consent Calendar and taken up.

SCS for **SB 952**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 952

An Act to repeal sections 84.510 and 84.560, RSMo, and to enact in lieu thereof two new sections relating to certain police officers.

Was taken up.

Senator Wheeler moved that **SCS** for **SB 952** be adopted, which motion prevailed.

On motion of Senator Wheeler, **SCS** for **SB 952** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Stoll--2		
Absent with leave--Senator Bartle--1			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1012, introduced by Senator Caskey, entitled:

An Act to repeal section 140.340, RSMo, and to enact in lieu thereof one new section relating to redemption of property.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 1012** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Jacob Stoll--2

Absent with leave--Senator Bartle--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1062, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 311.485, RSMo, and to enact in lieu thereof one new section relating to liquor licenses for caterers.

Was called from the Consent Calendar and taken up.

SCS for **SB 1062**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1062

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor licenses for caterers.

Was taken up.

Senator Clemens assumed the Chair.

Senator Nodler assumed the Chair.

Senator Griesheimer moved that **SCS** for **SB 1062** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1062** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bray	Callahan	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Shields	Steelman	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators		

Caskey	Cauthorn	Foster	Russell
Scott--5			
	Absent--Senators		
Bland	Stoll--2		
	Absent with leave--Senator Bartle--1		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1099**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 1099** and **SCS** for **SJR 44** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senators Days and Goode offered Senate Resolution No. 1358, regarding Charlie A. Dooley, Northwoods, which was adopted.

Senator Kennedy offered Senate Resolution No. 1359, regarding the Reverend Monsignor Richard Gallagher, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Timothy J. McCann, M.D., St. Louis.

On behalf of Senator Gibbons, Senator Yeckel and himself, Senator Kennedy introduced to the Senate, Frank Aufmuth, Kate Skala, Rachel Renna and John Sanders, eighth grade students from Rogers Middle School, Affton.

Senator Gross introduced to the Senate, Jannae Neustadt, St. Charles.

On behalf of Senator Callahan and himself, Senator Bartle introduced to the Senate, Morgan Elliott, Ryan Evans, Katie Martin, Brad Brackenbury, Gayle Watson, Carol Marcks, Rosemary Garten, Debbie Smith, Karla Elliott, Denise Evans and Penny Barrett, Fort Osage School District.

Senator Klindt introduced to the Senate, Ed and Deb Schoenfelt and their daughter, Macenzie, and Katie Holden, Marceline.

Senator Griesheimer introduced to the Senate, Carol Simcox, Washington.

Senator Quick introduced to the Senate, Martin Kelsey, Ashley Stocklaufer, Arielle Saulsbury, Zach Boss, Matt Dye

and Stephen Hatfield, Liberty.

Senator Klindt introduced to the Senate, Representatives of Great Northwest.

Senator Nodler introduced to the Senate, teachers Diane Turner, G.G. Wood, and Emma Claybrook, Samantha Stout, Jaxon Meredith and Michael Swanson, first grade students from Joplin Schools Gifted Center; and Emma, Samantha, Jaxon and Michael were made honorary pages.

Senator Foster introduced to the Senate, Representatives of Student Association of Missouri.

Senator Kinder introduced to the Senate, Deborah Kersting, and one hundred March of Dimes volunteers and staff from around the state.

Senator Griesheimer introduced to the Senate, his son, Aaron, and Jon Bauer, Washington; and Cookie Hays, Union.

Senator Bartle introduced to the Senate, students from Kansas City Metropolitan Community Colleges.

Senator Steelman introduced to the Senate, Terri Higgins, Alex Chapman, Ian King, Caitlin Faulkner, Katlyn Pierce, Lindsay Herrera and Carolyn Tragasz, gifted students from Owensville; and Alex, Ian, Caitlin, Katlyn, Lindsay and Carolyn were made honorary pages.

On behalf of Senator Nodler, the President

introduced to the Senate, LeRae Miller, Kim Lester, Nancy Good and Vesta Grindstaff, Joplin; J.B. Kelly, Seneca; Bill Carlsten, Gib Garrow, Shana Griffin and Donna Youngblood, Neosho; Karen Lawson, Saginaw; and Brad Baker, Webb City.

Senator Shields introduced to the Senate, Bill and Pam Hurley and Linda Black with Great Northwest.

Senator Loudon introduced to the Senate, Mayor Harold Dielmann, Councilwoman Patti Trout and members of the Creve Coeur Chamber of Commerce.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIFTH DAY-THURSDAY, FEBRUARY 19, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1259-Childers

SB 1260-Dolan

SB 1261-Dolan

SB 1264-Scott

SB 1265-Bartle

SB 1266-Kennedy, et al

SB 1267-Kinder

SB 1268-Shields

SB 1269-Yeckel

SB 1270-Yeckel

SB 1271-Coleman

SB 1272-Coleman

SB 1273-Coleman

SJR 47-Cauthorn

THIRD READING OF SENATE BILLS

SS for SCS for SB 730-Gross

SB 1080-Nodler, et al

SCS for SJR 44-Dolan (In Fiscal Oversight)

SS for SCS for SB 1099-Gibbons

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SJR 29-Steelman, et al

SB 1138-Bartle

SB 870-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with SCS

SB 1038-Yeckel, with SCS

& SA 2 (pending)

SB 1123-Gibbons, et al

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 1075-Coleman, with SCS

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 920-Caskey

SB 921-Caskey, with SCS

SRB 1108-Bartle

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY--THURSDAY, FEBRUARY 19, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"There is no Holy One like the Lord, no one besides you; there is no Rock like our God." (1 Samuel 2:2)

Holy God, You give us life and speech and a sense of security for no one is like You. Direct our work this day and bring us safely home to those we love, so together we come before You and knowing Your love and strength we bow before You and praise Your Name. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Kinder--1

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1360, regarding Ralph Reiss, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1361, regarding Cub Scout Pack #115, St. Louis, which was adopted.

Senator Nodler offered Senate Resolution No. 1362, regarding the death of James H. Willis, Joplin, which was adopted.

Senator Russell offered Senate Resolution No. 1363, regarding Mrs. Cherry-Ann Fite, South Fork, which was adopted.

CONCURRENT RESOLUTIONS

Senator Vogel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 38

Relating to approval for the Curators of the University of Missouri to enter into a long-term ground lease of certain real property owned by the University and located in the City of Columbia for the purpose of construction of a hotel/conference center on said real property.

WHEREAS, the Curators of the University of Missouri, a public corporation of the State of Missouri, own certain real property located in the City of Columbia, Boone County, Missouri, more particularly described as follows:

A tract of land being part of the southeast quarter of Section 13, Township 48 North, Range 13 West; part of the southwest quarter of Section 18, Township 48 North, Range 12 West and part of the northwest quarter of Section 19, Township 48 North, Range 12 West in Columbia, Boone County, Missouri.

Starting at the southeast corner of Section 13, Township 48 North, Range 13 West; thence N 1 15'E, along the range line, 104.73 feet to the north right-of-way of Stadium Boulevard (State Route 740), the point of beginning.

From the point of beginning and following said right-of-way N 88 18'W 47.10 feet; thence N 88 54'W 209.92 feet; thence North 44 10'W 85.00 feet; thence 89 06'W 15.50 feet to the east line of Monk Drive; thence N 1 15'E, along said line 737.00 feet to the south line of Hospital Drive; thence S 89 05'E, along said line 140 feet; thence northeasterly, continuing along said line 860 feet; thence easterly, continuing along the south line of Hospital Drive 440 feet to the west line of College Avenue (State Route 763); thence south, along said line 300 feet; thence southwesterly, continuing along the west line of College Avenue being a curve to the right 1130 feet to the north line of Stadium Boulevard; thence northwesterly, along said line being a curve to the left 750 feet to the beginning.; and

WHEREAS, the University of Missouri has determined that the most appropriate use of the land would be the construction of a hotel/conference center; and

WHEREAS, the Curators of the University of Missouri intend to issue a "Request for Proposals" (RFP) for the construction of a hotel/conference center on said property; and

WHEREAS, the Curators of the University of Missouri will include all of the following principles in the "Request for Proposals" (RFP) for this project:

- (1) The University intends to lease the real property for a term not to exceed 50 years;
- (2) The University will lease the real property for an amount equal to or in excess of fair market value;
- (3) The University will encourage as many interested parties as possible to respond to the RFP; and
- (4) The University will not own or operate the hotel/conference center;
- (5) The University will not participate in the profits of the hotel/conference center in any way except for the receipt of rents for the real property; and
- (6) The University will expect the successful respondent to pay all applicable taxes, including but not limited to, personal property and real property taxes as assessed by governmental entities;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby approve the Curators of the University of Missouri entering into a long-term ground lease with the successful respondent, as determined by the Curators of the University of Missouri, of the real property described above for the purpose of the construction of a hotel/conference center on said real property; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Nodler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 39

To authorize the state of Missouri and its political subdivisions to implement energy savings performance contracting.

WHEREAS, energy efficiency, conservation, and consumption have significant cost implications to the state of Missouri; and

WHEREAS, cost savings policies affect buildings owned or operated by the state by and through its state agencies, departments, colleges, and universities, and buildings owned or operated by governmental subdivisions of the state, including but not limited to, cities, counties, and school districts; and

WHEREAS, facility alteration, service, or operations designed to reduce energy consumption or operating costs while ensuring state and local building code compliance provides further cost benefits to the state; and

WHEREAS, reducing costs necessitates evaluating and recommending energy conservation and facility improvement measures by qualified providers experienced in the design, implementation, and installation or energy conservation, and who have the ability to provide labor, materials, and performance bonds necessary to bring to completion such projects; and

WHEREAS, energy conservation measures may include, but are not limited to, automated or computerized energy control and facility management systems or computerized maintenance management systems, replacement, or modification of lighting fixtures and systems, energy recovery systems, cogeneration systems, and window and door system modifications designed to reduce energy consumption; and

WHEREAS, such energy conservation measures must be implemented without adversely impacting the natural environment, including air and water pollution, energy use, development outside compact urban areas and contribution to urban sprawl:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request that the Governor, the state of Missouri, and its governmental subdivisions herein described to enter into contracts for the implementation of any energy conservation or facility improvement measures so long as such entities:

- (1) Obtain a report from a qualified provider containing recommendations concerning the costs of installation, modifications, or remodeling, including costs of design, engineering, maintenance, repairs, and financing; and
- (2) The report shall guarantee to such governmental entity an amount of cost savings in energy or operating costs if such installation, modification, or remodeling is performed by that qualified provider; and

BE IT FURTHER RESOLVED that prior to such governmental unit entering into such contract, it shall solicit bids, or competitive sealed proposals from qualified providers awarding the contract to a qualified provider that best meets the needs of the governmental entity, which need not be the lowest cost provider; and

BE IT FURTHER RESOLVED that energy savings shall be guaranteed by the qualified provider for the entire term of the contract, and such reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures shall be periodically provided in writing to the contracting governmental entity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Constitution of Missouri.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1274-By Shields.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to area health education centers.

SB 1275-By Vogel.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof two new sections relating to property taxation of broadcasting equipment, with an effective date for a certain section.

SB 1276-By Vogel.

An Act to repeal section 137.016, RSMo, and to enact in lieu thereof one new section relating to residential property.

SB 1277-By Yeckel.

An Act to amend chapter 324, RSMo, by adding thereto twelve new sections relating to the creation of a board of licensed private fire investigator examiners, with penalty provisions.

SB 1278-By Yeckel.

An Act to amend chapter 324, RSMo, by adding thereto five new sections relating to licensing of amusement machine operators.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 920**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 32**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 32, appearing on Page 156 of the Senate Journal for Monday, January 26, 2004, Column 1, Line 22 of said column, by inserting immediately after "utilized" the following: "; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of the Department of Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that the Commissioner of the Department of Elementary and Secondary Education be instructed to copy this resolution and distribute one to each school district for distribution to its school board members."

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 35**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 1038**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 1038, Page 19, Section 443.130, Line 4, by striking all of said line and inserting in lieu thereof the following: "deliver to the person making satisfaction a sufficient"; and further amend line 5, by striking "[forfeit] be liable" and inserting in lieu thereof the following: "forfeit"; and further amend line 6, by striking "for an amount of three hundred dollars a"; and further amend lines 7-8, by striking all of said lines and inserting in lieu thereof the following: "ten percent upon the amount of the security instrument,"; and further amend line 9, by striking the opening bracket "["; and further amend line 10, by striking the following: "]" plus court costs and attorney fees,".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 1038, Section 166.520, Page 10, Line 28, by inserting the words "**The board shall allow participants to contribute in minimum increments of fifty dollars without additional fees or charges.**" immediately following "2.".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 1038, Page 4, Section 166.510, Lines 10-11, by striking all of said lines and inserting in lieu thereof the following: "**(3) 'Board', the Missouri Higher Education Savings Program Board established in section 166.415;**"; and further amend page 5, section 166.515, line 3, by striking the words "deposit program board which shall consist" and insert in lieu thereof the following: "**Savings Program Board.**"; and further amend said section and page, lines 4 to 20 by striking all of said lines.

Senator Days moved that the above amendment be adopted.

At the request of Senator Days, **SA 5** was withdrawn.

Senator Days offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 1038, Page 3, Section 33.103, Line 62, by inserting after all of said line the following:

"166.415. 1. There is hereby created the "Missouri Higher Education Savings Program". The program shall be administered by the Missouri higher education savings program board which shall consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education, the commissioner of the office of administration, the director of the department of economic development [and], two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives[.], **and one person having demonstrable experience and knowledge in the area of**

banking or deposit rate determination and placement of depository certificates of deposit or other deposit investments. Such member shall be appointed by the Governor with the advice and consent of the senate. The ~~three~~ [two] appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452, RSMo. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the savings program, the board, in addition to its other powers and authority, shall have the power and authority to:

- (1) Develop and implement the Missouri higher education savings program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the savings programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;
 - (2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the savings program to qualify as a "qualified state tuition program" pursuant to Section 529 of the Internal Revenue Code and to ensure the savings program's compliance with all applicable laws;
 - (3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training beyond high school;
 - (4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the savings program pursuant to sections 166.400 to 166.455;
 - (5) Enter into participation agreements with participants;
 - (6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the savings program;
 - (7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;
 - (8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;
 - (9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules adopted by the board;
 - (10) Make provision for the payment of costs of administration and operation of the savings program;
 - (11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to the savings program; and
 - (12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the savings program.
2. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by that member. No more than three proxies shall be considered members of the board for the purpose of establishing a quorum.
3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.

4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688, RSMo. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No trustee or employee of the savings program shall receive any gain or profit from any funds or transaction of the savings program. Any trustee, employee or agent of the savings program accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or management of the funds of the savings program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery."; and

Further amend page 4, section 166.510, lines 10-11, by striking all of said lines and inserting in lieu thereof the following:

"(3) "Board", the Missouri Higher Education Savings Program Board established in section 166.415;"; and

Further amend page 5, section 166.515, line 3, by striking the words "deposit program board which shall consist" and insert in lieu thereof the following: **"savings program board."**; and further amend said section and page, lines 4 to 20, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS for SB 1038**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS for SB 1038**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS for SB 969**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed

copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives, through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 994**, entitled:

An Act to repeal section 488.2205, RSMo, and to enact in lieu thereof one new section relating to court costs in the thirtieth judicial circuit.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1279-By Steelman, Kinder, Goode, Dougherty, Foster, Yeckel, Gibbons and Champion.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to the Missouri hospital infection control act of 2004, with penalty provisions.

CONCURRENT RESOLUTIONS

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 40

Relating to approval for the Curators of the University of Missouri to enter into a long-term ground lease of certain real property owned by the University for the purpose of construction of a student residential facility in the City of Rolla.

WHEREAS, the Curators of the University of Missouri own certain real property in the City of Rolla, Phelps County, Missouri, more particularly described as follows:

Those portions of Lots 31, 32, 36, 37, and 38 Railroad Addition to the City of Rolla, Missouri that lie south of Interstate 44, north of University Drive, and west of Bishop Avenue and Watts Drive owned by the Curators of the University of Missouri; and

WHEREAS the Curators of the University of Missouri intend to lease the property to the successful respondent of the RFP of the University of Missouri-Rolla (UMR) for the construction of a student residential facility on the above described property; and

WHEREAS, the Curators intend to enter into a contract with the successful respondent that will contain all of the following specific conditions:

- (1) UMR will lease the building from the successful respondent for a ten-year period;
- (2) The successful respondent will give title to the building back to UMR after ten years; and
- (3) UMR will provide repair and maintenance as well as programming for the building:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby approve the University of Missouri-Rolla entering into a long-term ground lease with the successful respondent, as determined by the Curators of the University of Missouri, of the real property described above for the purpose of the construction of a student residential facility in the City of Rolla on said real property; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, Dr. Thomas George, Chancellor, University of Missouri-St. Louis.

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Kennedy introduced to the Senate, Patricia Kaspar and Major Donald Cognata, St. Louis.

Senator Russell introduced to the Senate,

Bruce Mitchell and the Leadership Class from Camden County.

Senator Gross introduced to the Senate, Patti Hall and Vicky Klaus, and thirty-four fourth grade students from Living Word Christian School, St. Peters.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, February 23, 2004.

SENATE CALENDAR

TWENTY-SIXTH DAY-MONDAY, FEBRUARY 23, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1259-Childers

SB 1260-Dolan

SB 1261-Dolan

SB 1264-Scott

SB 1265-Bartle

SB 1266-Kennedy, et al

SB 1267-Kinder

SB 1268-Shields

SB 1269-Yeckel

SB 1270-Yeckel

SB 1271-Coleman

SB 1272-Coleman

SB 1273-Coleman

SB 1274-Shields

SB 1275-Vogel

SB 1276-Vogel

SB 1277-Yeckel

SB 1278-Yeckel

SB 1279-Steelman, et al

SJR 47-Cauthorn

HOUSE BILLS ON SECOND READING

HB 994-Cunningham (145), et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 730-Gross

SB 1080-Nodler, et al

SCS for SJR 44-Dolan (In Fiscal Oversight)

SS for SCS for SB 1099-Gibbons

(In Fiscal Oversight)

SCS for SB 969-Shields

SENATE BILLS FOR PERFECTION

SJR 29-Steelman, et al

SB 1138-Bartle

SB 870-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS

SB 1123-Gibbons, et al

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 1075-Coleman, with SCS

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 921-Caskey, with SCS

SRB 1108-Bartle

RESOLUTIONS

To be Referred

SCR 38-Vogel

SCR 39-Nodler

SCR 40-Steelman

Reported from Committee

SCR 32-Gibbons and Stoll, with SCA 1

SCR 35-Russell, et al

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SIXTH DAY--MONDAY, FEBRUARY 23, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Who is wise and understanding among you? Show your good life that your works are done with gentleness born of wisdom." (James 3:13)

Almighty God, as we seek to do Your will this week and lead the good life You require of us, help us to gain the wisdom we need to provide laws that lie gently on our fellow citizens and assist those who are burdened. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 19, 2004, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1364, regarding Adam Michael Turney, Freeman, which was adopted.

Senator Coleman offered Senate Resolution No. 1365, regarding the late Elaine Mitchell Diggs, St. Louis, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1366, regarding Gerrie Brodeur, Wentzville, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1367, regarding Dr. Jerry Marks, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1368, regarding Marge Parrish, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1369, regarding the Disney Store at Mid Rivers Mall, St. Peters, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1370, regarding the Mental Health Association of Greater St. Louis, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1371, regarding Citizens for Missouri's Children, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1372, regarding Leo Tigue, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1373, regarding Youth In Need, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1374, regarding State Representative Carl Bearden, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1375, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Eloff, St. Charles, which was adopted.

Senator Klindt offered Senate Resolution No. 1376, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Robertson, Bethany, which was adopted.

Senator Caskey offered Senate Resolution No. 1377, regarding Bob Adams, Nevada, which was adopted.

Senator Wheeler offered Senate Resolution No. 1378, regarding Carolyn Jones, R.N., which was adopted.

Senator Kinder offered Senate Resolution No. 1379, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Iseman, Jr., Greenwood, which was adopted.

Senator Nodler offered Senate Resolution No. 1380, regarding the late Jack Wood, Neosho, which was adopted.

Senator Callahan offered Senate Resolution No. 1381, regarding Lucy Alonzo, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1382, regarding Laura Cain, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1383, regarding Allison Faulkner, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1384, regarding Katie Foster, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1385, regarding Tayler Hinesley, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1386, regarding Kendra Nickell, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1387, regarding Megan Nickell, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Klindt offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the United States Fish and Wildlife Service has mandated that the United States Army Corps of Engineers implement a plan for operating the Missouri River that calls for a "spring rise" and a "summer low flow." This plan would result in an increase in the flow of the Missouri River in the spring when the risk of flooding of bottomland farms is already high. The plan also would result in a reduction of the flow of the Missouri River in the summer of each year, thereby negatively affecting farmers, utilities, and businesses from Omaha to the Gulf of Mexico,

purportedly to improve habitat for the pallid sturgeon, an endangered fish; and

WHEREAS, the United States Fish and Wildlife Service has dictated these controversial flow changes primarily to benefit only a short segment of the Missouri River where pallid sturgeon have not even been found in six years of sampling; and

WHEREAS, analyses have shown that low river flows could actually degrade habitat important to the pallid sturgeon in segments of the lower Missouri and Mississippi Rivers where pallid sturgeon have been found in recent years; and

WHEREAS, in the summer months of 2002 and 2003, record low flows on the Missouri River increased transportation costs for Missouri farmers by halting navigation, increased power plant cooling costs for private utilities, increased drinking water treatment costs for public utilities across the state of Missouri, and caused water quality violations with the temperature in the Missouri River exceeding 90 degrees. Despite the economic harm already experienced by Missourians, the United States Fish and Wildlife Service has unilaterally mandated summer low flows during the next two years that are virtually identical to those experienced in 2002 and 2003; and

WHEREAS, while the United States Fish and Wildlife Service has failed to provide sufficient scientific evidence that proves that their mandated "spring rise" and "summer low flow" will improve habitat for the pallid sturgeon, analysis has shown that their proposal will increase the risk of flooding bottomland farms along the Missouri River, will result in economic harm to public and private utilities, and will risk the jobs of those who rely on the Missouri and Mississippi Rivers for their livelihoods; and

WHEREAS, the so-called "drought conservation measures" under consideration by the United States Army Corps of Engineers for inclusion in the Missouri River Master Manual would take away usable water from Missourians by shifting the storage of more water to upstream reservoirs while decreasing the amount of water available for other designated downstream uses; and

WHEREAS, the United States Eighth Circuit Court of Appeals recently affirmed that the dominant functions of the Missouri River Reservoir System are flood control and navigation, with recreation and other interests being secondary uses:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby respectfully request that the President of the United States direct the United States Fish and Wildlife Service and the United States Army Corps of Engineers to develop a plan for operating the Missouri River Reservoir System that will not increase the risk of flooding for bottomland farmers and will not harm the economy of the Midwestern states by failing to provide adequate flows to meet all designated downstream uses on the Missouri and Mississippi Rivers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, each member of the Missouri Congressional Delegation, the United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1280-By Childers and Foster.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to taxation, with a referendum clause.

SB 1281-By Childers and Foster.

An Act to repeal section 143.011, RSMo, and to enact in lieu thereof one new section relating to taxation, with a referendum clause.

SB 1282-By Kennedy.

An Act to repeal section 620.1560, RSMo, and to enact in lieu thereof two new sections relating to tax relief for persons assisting disabled citizens.

SB 1283-By Bray.

An Act to repeal section 130.041, RSMo, and to enact in lieu thereof one new section relating to disclosures of expenditures for and against a candidate.

SB 1284-By Clemens.

An Act to repeal section 105.473, RSMo, and to enact in lieu thereof one new section relating to lobbyist reports on proposed legislation supported or opposed by a lobbyist.

SB 1285-By Wheeler.

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to motor vehicle fee offices.

SB 1286-By Loudon.

An Act to repeal sections 167.181 and 210.003, RSMo, and to enact in lieu thereof two new sections relating to immunizations.

SB 1287-By Griesheimer.

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

SB 1288-By Vogel.

An Act to repeal sections 381.003, 381.009, 381.015, 381.018, 381.022, 381.025, 381.028, 381.032, 381.035, 381.038, 381.042, 381.045, 381.048, 381.052, 381.055, 381.058, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.085, 381.088, 381.092, 381.095, 381.098, 381.102, 381.105, 381.108, 381.112, 381.115, 381.118, 381.122, 381.125, 381.410 and 381.412, RSMo, and to enact in lieu thereof thirty-eight new sections relating to title insurance.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1229**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1218**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1162**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1048**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1044**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1172**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1007**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 962**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 992**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1177**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 900**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 900, Page 2, Section 307.366, Line 22, by inserting immediately after the word "years" the following: "**or more**"; and

Further amend said bill, page 6, section 643.315, line 33, by inserting immediately after the word "years" the following: "**or more**".

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 885**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 945**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1087**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1086**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1078**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 883**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 966**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **SB 757**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 771**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 772**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 788**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 845**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 894**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 899**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 956**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HBs 950** and **948**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1114**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 1020**, **SB 889** and **SB 869**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1020**, **889** and **869**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1020, 889 and 869

An Act to repeal sections 610.010, 610.011, 610.020, 610.021, 610.022, 610.026, 610.027, 610.029, 610.100, and

610.200, RSMo, and to enact in lieu thereof ten new sections relating to public records.

Was taken up.

Senator Steelman moved that **SCS** for **SBs 1020, 889 and 869** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 12, Section 610.027, Line 24, by striking "or the member"; and further amend said line by inserting after "shall" the following: ", **and the member may**,"; and

Further amend said bill, page 17, section 610.100, line 87, by striking "officer or" and further amend said line by inserting after "shall" the following: ", **and the officer may**,".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 5, Section 610.021, Line 4, by striking the word "imminent".

Senator Mathewson moved that the above amendment be adopted.

Senator Steelman offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 5, Section 610.021, Line 4, by striking the word "imminent"; and further amend page 6, line 5, by inserting after the word "body" the following: "**in which a case has been filed in any court of this state or the United States**,".

Senator Steelman moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **SB 1020, SB 889 and SB 869**, with **SCS, SA 2 and SSA 1 for SA 2** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **SS** for **SCS** for **SB 1099** and **SCS** for **SJR 44**, begs leave to report that it has considered the same and recommends that the bills do pass.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 1259--Economic Development, Tourism and Local Government.

SB 1260--Judiciary and Civil and Criminal Jurisprudence.

SB 1261--Small Business, Insurance and Industrial Relations.

SB 1264--Pensions and General Laws.

SB 1265--Judiciary and Civil and Criminal Jurisprudence.

SB 1266--Small Business, Insurance and Industrial Relations.

SB 1267--Commerce and the Environment.

SB 1268--Economic Development, Tourism and Local Government.

SB 1269--Economic Development, Tourism and Local Government.

SB 1270--Transportation.

SB 1271--Aging, Families, Mental and Public Health.

SB 1272--Aging, Families, Mental and Public Health.

SB 1273--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1274--Aging, Families, Mental and Public Health.

SB 1275--Ways and Means.

SB 1276--Ways and Means.

SB 1277--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1278--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1279--Aging, Families, Mental and Public Health.

SJR 47--Agriculture, Conservation, Parks and Natural Resources.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry W. Divin, Democrat, 1359 East 470th Road, Bolivar, Polk County, Missouri 63613, as a member of the State Fair Commission, for a term ending December 29, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nancy J. Headrick, 3428 Shermans Hollow, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Ronald Vessell, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffery A. Kerr, D.O., Republican, 11851 Arbor Circle, Rolla, Phelps County, Missouri 65401, as a member of the State Board of Senior Services,

for a term ending August 30, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth M. "Betty" Linke, Republican, 114 Alden Street, Troy, Lincoln County, Missouri 63379, as a member of the State Fair Commission, for a term ending December 29, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judy C. Logan, Democrat, P.O. Box 224, Vienna, Maries County, Missouri 65582, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Fernando A. McGregor, Democrat, 3328 South Cochise Avenue, Independence, Jackson County, Missouri 64057-1856, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2004, and until his successor is duly appointed and qualified; vice, Mark Jackson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacquelyn C. Moore, 6044 E. 129th Street, Grandview, Jackson County, Missouri 64030, as a member of the Commission for the Missouri Senior Rx Program, for a term ending November 8, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert M. Robuck, Democrat, 418 Crystal View Terrace, Jefferson City, Cole County, Missouri 65109, as a member of the State Banking Board, for a term ending August 28, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 19, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda Sher, 10859 Rondelay, St. Louis, St. Louis County, Missouri 63141, as a member of the Missouri State Advisory Council on Pain and Symptom Management, for a term ending February 1, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 192.350.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1040**, entitled:

An Act to repeal sections 160.261, 160.518, 160.570, 162.261, 163.036, 167.031, 167.051, 171.031, and 210.145, RSMo, and to enact in lieu thereof fourteen new sections relating to education accountability, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1289-By Kennedy and Gibbons.

An Act to repeal section 67.653, RSMo, and to enact in lieu thereof one new section relating to the powers of the St. Louis Regional Convention and Sports Complex Authority and its commissioners.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Eldon Prewitt, Kearney.

On behalf of Senator Bartle, the President introduced to the Senate, his daughter, Betsy, Lee's Summit; and Betsy was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SEVENTH DAY-TUESDAY, FEBRUARY 24, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1280-Childers and Foster

SB 1281-Childers and Foster

SB 1282-Kennedy

SB 1283-Bray

SB 1284-Clemens

SB 1285-Wheeler

SB 1286-Loudon

SB 1287-Griesheimer

SB 1288-Vogel

SB 1289-Kennedy and Gibbons

HOUSE BILLS ON SECOND READING

HB 994-Cunningham (145), et al

HCS for HB 1040

THIRD READING OF SENATE BILLS

SS for SCS for SB 730-Gross

SB 1080-Nodler, et al

SCS for SJR 44-Dolan

SS for SCS for SB 1099-Gibbons

SCS for SB 969-Shields

SENATE BILLS FOR PERFECTION

SJR 29-Steelman, et al

SB 1138-Bartle

SB 870-Bartle

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al,
with SCS, SA 2 & SSA 1 for SA 2 (pending)
SB 1123-Gibbons, et al

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 1075-Coleman, with SCS

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 921-Caskey, with SCS

SRB 1108-Bartle

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 885-Cauthorn

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

House Bills

Reported 2/23

HCS for HBs 950 & 948 (Childers)

RESOLUTIONS

To be Referred

SCR 38-Vogel

SCR 39-Nodler

SCR 40-Steelmann

SCR 41-Klindt

Reported from Committee

SCR 32-Gibbons and Stoll, with SCA 1

SCR 35-Russell, et al

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY--TUESDAY, FEBRUARY 24, 2004

The Senate met pursuant to adjournment.

Senator Clemens in the Chair.

Reverend Carl Gauck offered the following prayer:

Psychologist William James recommended that every person perform an unpleasant task daily just to "keep in moral trim."

Gracious God, empower us with the ability to face again unpleasant tasks, knowing that what we do is our duty and responsibility as You have called each here to serve the people of Missouri. And we continue to pray for our service men and women who face many unpleasant tasks in Iraq as they see comrades dying each day. Comfort and bless them and gather them to Your bosom. Grant us all Your peace. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KY3-Springfield and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1388, regarding Justin Tyler Remmert, Jefferson City, which was adopted.

Senator Gibbons offered Senate Resolution No. 1389, regarding George William Jinkerson, VII, Fenton, which was adopted.

Senator Vogel offered Senate Resolution No. 1390, regarding the 2003 Helias High School Lady Crusaders State Championship softball team, Jefferson City, which was adopted.

Senator Caskey offered Senate Resolution No. 1391, regarding Kyle Anthony Singleton, Raymore, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1290-By Steelman.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 1291-By Days, Kennedy, Stoll, Coleman and Dougherty.

An Act to amend chapter 103, RSMo, by adding thereto two new sections relating to the health plan for state employees, with an emergency clause.

SB 1292-By Bray, Kennedy, Stoll, Coleman, Dougherty and Days.

An Act to amend chapters 42 and 630, RSMo, by adding thereto ten new sections relating to the safe staffing and quality care accountability act.

SB 1293-By Bray, Kennedy, Stoll, Coleman and Days.

An Act to repeal sections 287.141, 287.148, 287.149, 287.160, 287.170, 287.180, and 287.780, RSMo, and to enact in lieu thereof seven new sections relating to workers' compensation benefits.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1038**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 969** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolutions were read the 2nd time and referred to the Committees indicated:

SCR 38--Rules, Joint Rules, Resolutions and Ethics.

SCR39--Rules, Joint Rules, Resolutions and Ethics.

SCR 40--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SCR 41** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 730**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 730

An Act to amend chapter 137, RSMo, by adding thereto twenty-seven new sections relating to a homestead exemption for the elderly, with an effective date and sunset provisions.

Was taken up.

On motion of Senator Gross, **SS** for **SCS** for **SB 730** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Coleman	Mathewson	Stoll--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1080, introduced by Senator Nodler, et al, entitled:

An Act to repeal sections 160.518, 160.538 and 160.720, RSMo, and to enact in lieu thereof two new sections relating to education accountability standards.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SB 1080** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senator Caskey--1			
Absent--Senators			
Coleman	Goode	Stoll--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SJR 44**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 44

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation.

Was taken up by Senator Dolan.

On motion of Senator Dolan, **SCS** for **SJR 44** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
NAYS--Senators			
Bray	Days	Dougherty	Goode
Quick	Russell	Wheeler--7	
Absent--Senators			
Bland	Foster	Jacob--3	
Absent with leave--Senators--None			

The President declared the joint resolution passed.

On motion of Senator Dolan, title to the joint resolution was agreed to.

Senator Dolan moved that the vote by which the joint resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 1099**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1099

An Act to repeal sections 21.810, 32.057, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof fourteen new sections relating to tax credits, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 1099** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Stoll--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SJR 29** be taken up for perfection, which motion prevailed.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 29, Page 1, Section A, Line 2, by striking "32" and inserting in lieu thereof the following: "**33**"; and

Further amend section 32 by striking "32" and inserting in lieu thereof the following: "**33**"; and

Further amend the title and enacting clause accordingly.

Senate Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SJR 29**, with **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 989**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which were referred **SB 740**, **SB 886** and **SB 1178**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 755**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 916**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 1038** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Clemens.

Photographers from the Associated Press, KOMU-TV, The Chart, MSSU-Joplin and KRCG-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SJR 29**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Joint Resolution No. 29, Page 1, Section 32, Line 2, by inserting immediately after said line: "**only adultery shall be cause for the dissolution of marriage**".

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Mathewson, Quick and Russell.

Senator Nodler assumed the Chair.

At the request of Senator Caskey, **SA 2** was withdrawn.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Joint Resolution No. 29, Page 1, Section 32, Line 2, by inserting immediately after the word "**woman**" the following: ", **but this shall not justify civil unions as may be adopted by another state of the United States.**".

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Scott	Shields	Stelman	Vogel
Wheeler	Yeckel--30		

Absent--Senators

Goode	Mathewson	Russell	Stoll--4
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Absent with leave--Senators--None

Senator Jacob requested a roll call vote be taken on the adoption of **SA 3**. He was joined in his request by Senators Bland, Callahan, Dougherty and Wheeler.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Callahan	Caskey	Goode
Jacob	Kennedy	Wheeler--7	
	NAYS--Senators		
Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Yeckel--26		
	Absent--Senator Stoll--1		
	Absent with leave--Senators--None		

On motion of Senator Steelman, **SJR 29**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1003**.

Bill ordered enrolled.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1392, regarding Kevin Edward Gentsch, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1393, regarding the Daughters of Sunset, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, James and Cherry Ann Fite, Chris Gilliam and Dawn Hicks, West Plains; and Jan Morrow, Ripley County.

On behalf of Senator Champion and himself, Senator Mathewson introduced to the Senate, Larry Freund, Springfield.

Senator Cauthorn introduced to the Senate, Beth Strange and Scott Childress, Edina; and Ken Schuetz, Canton.

Senator Cauthorn introduced to the Senate, Jon Norman, Katie Hodgson, Joey Willis, Ashlee Bross, Terry Willis, Lori Willis and Ken Norman, Hannibal.

Senator Steelman introduced to the Senate, Delia Bell and her daughter Fern Robinson, and Karen Dobson and Marilyn Dawson, Vienna.

Senator Griesheimer introduced to the Senate, Elizabeth Stoudley, Union.

Senator Caskey introduced to the Senate, Nancy Yankee and Charlie Castle and fifteen tenth, eleventh, and twelfth

grade students from Holden High School.

Senator Cauthorn introduced to the Senate, Kenny Roth, Mexico.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis County.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY-WEDNESDAY, FEBRUARY 25, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1280-Childers and Foster

SB 1281-Childers and Foster

SB 1282-Kennedy

SB 1283-Bray

SB 1284-Clemens

SB 1285-Wheeler

SB 1286-Loudon

SB 1287-Griesheimer

SB 1288-Vogel

SB 1289-Kennedy and Gibbons

SB 1290-Steelman

SB 1291-Days, et al

SB 1292-Bray, et al

SB 1293-Bray, et al

HOUSE BILLS ON SECOND READING

HB 994-Cunningham (145), et al

HCS for HB 1040

THIRD READING OF SENATE BILLS

SCS for SB 969-Shields (In Fiscal Oversight)

SCS for SB 1038-Yeckel (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1138-Bartle

SB 870-Bartle

SB 700-Russell, with SCS

SB 989-Gross, et al, with SCS

SBs 740, 886 & 1178-Klindt, with SCS

SB 755-Shields, with SCS

SB 1122-Shields, with SCS

HOUSE BILLS ON THIRD READING

HB 916-Brown, et al, with SCS (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 1123-Gibbons, et al

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 1075-Coleman, with SCS

SB 808-Klindt

SB 741-Klindt

SB 1100-Gibbons and Gross, with SCS

SB 1052-Jacob

SB 781-Caskey

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 921-Caskey, with SCS

SRB 1108-Bartle

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 885-Cauthorn

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

House Bills

Reported 2/23

HCS for HBs 950 & 948 (Childers)

RESOLUTIONS

Reported from Committee

SCR 32-Gibbons and Stoll, with SCA 1

SCR 35-Russell, et al

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY--WEDNESDAY, FEBRUARY 25, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Rend your hearts and not your clothing. Return to the Lord Your God, for God is gracious and merciful. Slow to anger and abounding in steadfast love, and relents from punishing." (Joel 2:13)

Gracious God, today many observe Ash Wednesday and are called to look at their lives in critical ways. May that be true with us as we pray to You this day, aware of our shortcomings and need of Your mercy. Keep us close O Lord and provide us hope and guidance as we walk through this dark day of ashes. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Days offered Senate Resolution No. 1394, regarding Carmen Sandra Morris McClendon, Mayor of the Village of Uplands Park, which was adopted.

Senator Caskey offered Senate Resolution No. 1395, regarding Mark Dandurand, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1396, regarding Garrett Wayne Depue, Warrensburg, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1294-By Kennedy.

An Act to repeal section 630.130, RSMo, and to enact in lieu thereof one new section relating to electroconvulsive therapy.

SB 1295-By Klindt.

An Act to repeal sections 172.035, 174.020, 174.332, 174.750, 174.753, 174.755, 174.757, and 176.010, RSMo, and to enact in lieu thereof twelve new sections relating to the incorporation of Northwest Missouri State University into the University of Missouri system, with a contingent effective date.

SB 1296-By Callahan.

An Act to authorize the sale of certain state property.

SB 1297-By Callahan.

An Act to amend chapter 164, RSMo, by adding thereto one new section relating to the creation of a subdistrict for taxing purposes in the Kansas City school district.

SB 1298-By Loudon and Gibbons.

An Act to repeal sections 137.100, 144.030, and 144.615, RSMo, and to enact in lieu thereof three new sections relating to tax exemptions, with an emergency clause.

SB 1299-By Loudon.

An Act to repeal section 379.825, RSMo, and to enact in lieu thereof one new section relating to residential property insurance.

SB 1300-By Loudon.

An Act to repeal sections 208.010 and 208.215, RSMo, and to enact in lieu thereof three new sections relating to recovery of medical assistance.

SB 1301-By Bray.

An Act to amend chapter 383, RSMo, by adding thereto one new section relating to medical malpractice insurance.

SB 1302-By Champion.

An Act relating to authorizing the board of governors of Southwest Missouri State University to convey property in Springfield, with an emergency clause.

SENATE BILLS FOR PERFECTION

At the request of Senator Bartle, **SB 1138** was placed on the Informal Calendar.

Senator Bartle moved that **SB 870** be taken up for perfection, which motion prevailed.

Senator Gross assumed the Chair.

Senator Days offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 870, Page 1, Section 226.531, Line 15, by deleting the words "an adult" and insert in lieu thereof the following: **"a"** and further amend said bill, page, and section, line 16, by deleting the words "cabaret or sexually-oriented".

Senator Days moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 870, Page 1, by adding the following at the end of said amendment:

"Amend Senate Bill No. 870, Page 2, Section 226.531, Line 30, by inserting immediately thereafter the following:

"5. No corporation operating a business described in this section shall have or enjoy the rights enjoyed or exercised by a natural person."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** to **SA 1** was withdrawn.

Senator Jacob offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 870, Page 2, Section 226.531, Line 30, by inserting immediately after the end of said line the following:

"5. It is the public policy of this state to mitigate the adverse secondary effects of sexually oriented businesses to improve traffic safety, to limit harm to minors, and to reduce prostitution, crime, juvenile delinquency, deterioration in property values, and lethargy in neighborhood improvement efforts."

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Jacob, **SSA 1** for **SA 1** was withdrawn.

Senator Bartle offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 870, Page 2, Section 226.531, Line 30, by inserting immediately after the end of said line the following:

"5. This section is designed to protect the following public policy interests of this state: to mitigate the adverse secondary effects of sexually oriented businesses, to improve traffic safety, to limit harm to minors, and to

reduce prostitution, crime, juvenile delinquency, deterioration in property values, and lethargy in neighborhood improvement efforts."

Senator Bartle moved that the above substitute amendment be adopted, which motion prevailed.

Senator Days offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 870, Page 2, Section 226.531, Line 30, by inserting immediately after the end of said line the following:

"226.532. Notwithstanding any other provision of law to the contrary, after August 28, 2004, no new outdoor advertising shall be erected adjacent to interstate and federal-aid highways, and all highways designated as part of the national highway system; except that, the outdoor advertising described in subdivisions (1) and (2) of section 226.520 and in sections 226.525, 226.535 and 226.545 may be erected after the effective date of this section. All outdoor advertising existing on August 28, 2004, except as authorized in the preceding sentence, are nonconforming signs and uses under all applicable statutes and ordinances, except as this power may be limited by the free speech and just compensation clauses of the constitution of the United States and the state of Missouri and applicable federal law. The provisions of this section shall not create any new obligation for the expenditure of state funds."; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 870, Page 1, Section 226.531, Line 4, by inserting immediately after the end of said line the following:

"(2) "Nudity", the showing of either:

- (a) The human male or female genitals or public area with less than a fully opaque covering; or**
- (b) The female breast with less than a fully opaque covering on any part of the nipple;"**; and

Further amending all subsequent subdivision identifiers accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 3** was withdrawn.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 870, Page 1, Section 226.531, Line 14, by inserting immediately after the word "**minors**" the following:

";

(4) "State of nudity", any bare exposure of the skin located on a person's body below the armpits and above the knees."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bartle, **SB 870**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1003**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SJR 29**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 1003**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 1260** to the Committee on Transportation.

Senator Gross assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1303-By Steelman.

An Act to amend chapter 84, RSMo, by adding thereto one new section relating to police residency.

SB 1304-By Griesheimer and Gibbons.

An Act to repeal section 99.847, RSMo, and to enact in lieu thereof one new section relating to reimbursement from the special allocation fund for emergency services.

SB 1305-By Champion, Nodler, Scott, Childers, Clemens, Steelman, Russell, Goode, Shields and Foster.

An Act to authorize, pursuant to Section 21.527, RSMo, the commencement of certain projects to be funded from bond proceeds subject to the provisions of Sections 360.010 to 360.140.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1398, regarding Malinda Mae (Beachum) Darter, New Madrid, which was adopted.

Senator Foster offered Senate Resolution No. 1397, regarding Multiple Sclerosis Awareness Day, which was adopted.

Senator Quick offered Senate Resolution No. 1399, regarding the Honorable David W. Russell, Liberty, which was adopted.

Senator Kennedy offered Senate Resolution No. 1400, regarding Amos A. McCallum, Biddeford, Maine, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1306-By Nodler.

An Act to repeal sections 444.762, 444.765, 444.767, 444.770, and 444.787, RSMo, and to enact in lieu thereof five new sections relating to environmental regulation, with penalty provisions.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 32**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCR 32**, as amended, was adopted by the following vote:

YEAS--Senators			
Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Days	Dolan	Stoll
Wheeler--5			
Absent with leave--Senators			
Bartle	Vogel--2		

Senator Russell moved that **SCR 35**, entitled:

An Act relating to the renaming of a building at the Southeast Missouri Mental Health Center.

Be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Russell, **SCR 35** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan	Jacob	Scott
Stoll	Wheeler--6		
Absent with leave--Senators			
Bartle	Vogel--2		

The President declared the concurrent resolution passed.

On motion of Senator Russell, title to the concurrent resolution was agreed to.

Senator Russell moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 916, with **SCS**, introduced by Representative Brown, et al, entitled:

An Act to repeal sections 570.223 and 575.120, RSMo, and to enact in lieu thereof three new sections relating to identity theft, with penalty provisions.

Was taken up by Senator Shields.

SCS for **HB 916**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 916

An Act to repeal sections 570.223 and 575.120, RSMo, and to enact in lieu thereof three new sections relating to identity theft, with penalty provisions.

Was taken up.

Senator Shields moved that **SCS** for **HB 916** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **HB 916** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons

Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Coleman

Dolan

Stoll--3

Absent with leave--Senators

Bartle

Vogel--2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 700**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 700**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 700

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof two new sections relating to enterprise zones.

Was taken up.

Senator Russell moved that **SCS** for **SB 700** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 700** was declared perfected and ordered printed.

Senator Gross moved that **SB 989**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 989**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 989

An Act to amend chapter 490, RSMo, by adding thereto eight new sections relating to environmental audit privileges.

Was taken up.

Senator Gross moved that **SCS** for **SB 989** be adopted.

At the request of Senator Gross, **SB 989**, with **SCS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 1075, with **SCS**, introduced by Senator Coleman, entitled:

An Act to authorize the sale of certain state property.

Was called from the Consent Calendar and taken up.

SCS for **SB 1075**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1075

An Act to authorize the sale of certain state property.

Was taken up.

Senator Coleman moved that **SCS** for **SB 1075** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 1075** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Shields
Steelman	Vogel	Wheeler	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Dolan	Mathewson	Russell	Scott
Stoll--5			
Absent with leave--Senator Bartle--1			

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 808, introduced by Senator Klindt, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to the establishment of the Missouri biomass technology commission, with an expiration date.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 808** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Scott	Stoll--3	
	Absent with leave--Senator Bartle--1		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1100, with **SCS**, introduced by Senators Gibbons and Gross, entitled:

An Act to repeal sections 536.015, 536.021, 536.023, and 536.031, RSMo, and to enact in lieu thereof four new sections relating to administrative procedures and review.

Was called from the Consent Calendar and taken up by Senator Gibbons.

SCS for **SB 1100**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1100

An Act to repeal sections 536.015, 536.021, 536.023, and 536.031, RSMo, and to enact in lieu thereof four new sections relating to the publication of administrative rules.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1100** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1100** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Scott	Stoll--2		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 1052, introduced by Senator Jacob, entitled:

An Act to repeal section 172.360, RSMo, and to enact in lieu thereof one new section relating to admission to the state university of Missouri system.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 1052** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senator Bland--1			
Absent--Senators			
Dolan	Scott--2		
Absent with leave--Senator Bartle--1			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 781, introduced by Senator Caskey, entitled:

An Act to repeal section 491.205, RSMo, and to enact in lieu thereof one new section relating to witness immunity applications.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 781** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster

Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Scott--2		
	Absent with leave--Senator Bartle--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 1401, regarding M. Gail Longworth, Ozark, which was adopted.

COMMUNICATIONS

Senator Kinder submitted the following:

February 24, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Standing Committee on the Judiciary and Civil and Criminal Jurisprudence

Dear Terry:

This is to inform you that, effective immediately, I have appointed Senator Victor Callahan to the Senate Standing Committee on the Judiciary and Civil and Criminal Jurisprudence to fill the vacancy created by the resignation from the Committee of Senator Ken Jacob.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Dennis Grisham, Carl Allison, Dr. Betty Lorten and Gaylord Moore, Greene County.

Senator Cauthorn introduced to the Senate, Kathy and Steffani Lane, Eric Greenwald, Brittany Godbout, Brendan McGregor and Curtis Bramblett, Hannibal.

Senator Cauthorn introduced to the Senate, Frank and Judy Coldwell, Palmyra.

On behalf of Senators Gross and Dolan, the President introduced to the Senate, Katrina Harper, Joann Powers, Dale Hitchcock, Brad Mudd, Lisa Raymond, Pat Cowell, Hope Woodson, Mary Pfenning, Charlotte Sparks, Floyd Bell, Rachel Farthing, Karrie Gates, Dr. David Wallace, Suzanne Salmo, Paul Truber, Greg Smothers, Valerie Sorensen, Melissa Streeter, Yvette Parrish, Carolyn Davinroy, Heather Hagen, Kathy Williams, Bettie Yahn-Kramer, Carrie A. Trent, Mike Bounds, Rose Mack, Bruce Sowatsky, Joe Hogan and Dr. Jim Ottomeyer, St. Charles County Vision Leadership.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. John A. Aucar, M.D., FACS, Columbia.

Senator Kennedy introduced to the Senate, Albert Fults, Letitia "Tish" Johnson and Thomas Ziegler, St. Genevieve County.

Senator Jacob introduced to the Senate, Jan Mees, Cathie Loesing, Leah Maurer, Karen Burger and Michele Sterrett, Columbia.

Senator Caskey introduced to the Senate, Eric Berlin and Mayor Juan Alonzo, Raymore.

Senator Loudon introduced to the Senate, Mayor Harold Dielmann, Councilwoman Theresa Lynch, Councilman David Kaisander and Mark Perkins, Creve Coeur.

Senator Yeckel introduced to the Senate, Mayor Richard Breeding and Matt Conley, Crestwood.

Senator Gibbons introduced to the Senate, Mayor Bert Gates, Barry Alexander and John Shaw, Shrewsbury.

Senator Gibbons introduced to the Senate, Mikaela Fox, and her mother, Pat Fox, Valley Park.

Senator Jacob introduced to the Senate, William Crist, Dean-School of Medicine, MU, Columbia.

Senator Kinder introduced to the Senate, Mayor Jay Knudtson and Councilman Matt Hopkins, Cape Girardeau.

Senator Cauthorn introduced to the Senate, Andy Morris and Roy Hark, Hannibal.

Senator Loudon introduced to the Senate, Mayor Conrad Bowers, Bridgeton.

Senator Gross introduced to the Senate, Mayor Patti York, St. Charles.

Senator Foster introduced to the Senate, Carolyn Loveless and Tammy Thurman, Piedmont; and Joe Knodell and Lloyd Mathews, Poplar Bluff.

Senator Russell introduced to the Senate, Representative Randy Angst, Lebanon.

On behalf of Senator Jacob and himself, Senator Russell introduced to the Senate, Michael Yoakum, Columbia.

On behalf of Senator Nodler, the President introduced to the Senate, Mayor Jim Wisdom, Joe Barfield, Alderman Oliver Carlson, Alderman Richard Zarcandello and Carl Skaggs, Carl Junction.

Senator Dougherty introduced to the Senate, Alderman Greg Carter, St. Louis; and Councilman Wayne Muenkel and Councilwoman Cassandra Colquit, University City.

Senator Griesheimer introduced to the Senate, Glenn Vonheer and Dale Schmucke, Union.

Senator Griesheimer introduced to the Senate, Mayor Dick Statmann, Jim Briggs, Councilman Brad Burns and Councilman Tim Brinker, Washington; Russell Rost, Alderwoman Mindy McCoy and Alderwoman Jackie Ketson, St. Clair; and Mayor James Schatz and Mark Falloon, Sullivan.

On behalf of Senator Nodler, the President introduced to the Senate, Jim West, Don Landrith and Jon Tupper, Joplin.

Senator Champion introduced to the Senate, Ralph Manley, Bob Jones, Shelia Wright, Gary Deaver and Mary Collette, Springfield.

Senator Kennedy introduced to the Senate, Jeanne Rosen, Creve Coeur.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY-THURSDAY, FEBRUARY 26, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1280-Childers and Foster

SB 1281-Childers and Foster

SB 1282-Kennedy

SB 1283-Bray

SB 1284-Clemens

SB 1285-Wheeler

SB 1286-Loudon

SB 1287-Griesheimer

SB 1288-Vogel

SB 1289-Kennedy and Gibbons

SB 1290-Steelman

SB 1291-Days, et al

SB 1292-Bray, et al

SB 1293-Bray, et al

SB 1294-Kennedy

SB 1295-Klindt

SB 1296-Callahan

SB 1297-Callahan

SB 1298-Loudon and Gibbons

SB 1299-Loudon

SB 1300-Loudon

SB 1301-Bray

SB 1302-Champion

SB 1303-Steelman

SB 1304-Griesheimer and Gibbons

SB 1305-Champion, et al

SB 1306-Nodler

HOUSE BILLS ON SECOND READING

HB 994-Cunningham (145), et al

HCS for HB 1040

THIRD READING OF SENATE BILLS

SCS for SB 969-Shields (In Fiscal Oversight)

SCS for SB 1038-Yeckel (In Fiscal Oversight)

SJR 29-Steelman, et al

SENATE BILLS FOR PERFECTION

SBs 740, 886 & 1178-Klindt, with SCS

SB 755-Shields, with SCS

SB 1122-Shields, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 6 (pending)

SB 718-Yeckel, et al

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 1123-Gibbons, et al

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 921-Caskey, with SCS

SRB 1108-Bartle

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 885-Cauthorn

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

House Bills

Reported 2/23

HCS for HBs 950 & 948 (Childers)

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY--THURSDAY, FEBRUARY 26, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Put your trust in God; for I will yet give thanks to him, who is the hope of my countenance and my God." (Psalm 42:15)

Lord God, we remember better times and know You know the difficulties many face in today's trying economic times. So increase in us hope for the future and guide our hearts and minds in the tasks that are before us. And watch our going out and coming in. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

Absent with leave--Senators

Bartle Loudon--2

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 1402, regarding Ollie W. Gates, Kansas City, which was adopted.

Senator Dolan offered Senate Resolution No. 1403, regarding W.L. "Barry" Orscheln, Cairo, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO.1404

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through

worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program on November 20, 2004, and again December 2 through December 4, 2004.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1404** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1404** was adopted.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 1003**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1307-By Gibbons.

An Act to repeal sections 573.010 and 573.037, RSMo, and to enact in lieu thereof two new sections relating to child pornography, with penalty provisions.

SB 1308-By Klindt.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employee's pay.

SB 1309-By Stoll.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the use of Social Security numbers, with an effective date.

SB 1310-By Gross.

An Act to repeal sections 327.011, 327.111, 327.201, 327.291, 327.441, 327.633 and 621.045, RSMo, and to enact in lieu thereof six new sections relating to architects, professional engineers, and land surveyors, with a penalty provision.

SB 1311-By Wheeler.

An Act to repeal section 143.081, RSMo, and to enact in lieu thereof one new section relating to credit for income taxes paid to another state or the District of Columbia, with an effective date.

SB 1312-By Callahan.

An Act to repeal section 353.110, RSMo, and to enact in lieu thereof one new section relating to property tax abatement.

SB 1313-By Bray.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to contraception.

SB 1314-By Bray, Days, Coleman, Champion, Bland and Wheeler.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to domestic assault offenses, with penalty provisions.

SB 1315-By Steelman and Clemens.

An Act to repeal sections 444.765 and 444.770, RSMo, and to enact in lieu thereof two new sections relating to excavation activities of noncommercial operators.

SB 1316-By Steelman.

An Act to repeal section 168.126, RSMo, and to enact in lieu thereof one new section relating to probationary teachers.

SB 1317-By Steelman.

An Act to repeal sections 193.045, 193.085, 193.115, 193.125, 193.145, 193.225, 193.245, and 193.265, RSMo, and to enact in lieu thereof eight new sections relating to vital statistics.

SB 1318-By Scott.

An Act to repeal sections 570.020 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to stealing, with penalty provisions.

SB 1319-By Shields.

An Act to repeal section 376.1230, RSMo, and to enact in lieu thereof one new section relating to health benefits for chiropractic care.

SB 1320-By Kinder.

An Act to repeal sections 110.070 and 110.080, RSMo, and to enact in lieu thereof two new sections relating to bids for depositaries of public institutions.

SB 1321-By Callahan.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to cigarette sales, with penalty provisions.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 920**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to

which was referred **SB 937**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 968**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1045**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1160**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **SB 1038** and **SCS** for **SB 969**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 885**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 870** and **SCS** for **SB 700**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 715**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Shields assumed the Chair.

SA 6 was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Gross offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 13, Section 67.799, Line 12, by inserting immediately after said line the following:

"67.1706. The metropolitan district shall have as its [primary] duty the development, operation and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the district. **Nothing in this section shall restrict the district's entering into and initiating projects dealing with parks not necessarily connected to trails.** The metropolitan district shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the metropolitan district **or other conservation and environmental regulatory agencies** and shall have the power to contract with other parks and recreation systems as well as with other public and private entities. **Nothing in this section shall give the metropolitan district authority to regulate water quality, watershed or land use issues in the counties comprising the district.**

67.1754. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and allocated as follows:

(1) Fifty percent of the sales taxes collected from each county shall be deposited in the metropolitan park and recreational fund to be administered by the board of directors of the district to pay costs associated with the establishment, administration, operation and maintenance of public recreational facilities, parks, and public recreational grounds associated with the district. Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision;

(2) Fifty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, except that forty percent of such fifty percent amount shall be reserved for distribution to municipalities within the county in the form of grant revenue sharing funds. Each county in the district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes **provided the purposes of such grants are consistent with the purpose of the district.** In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 36, Section 304.010, Line 1, of said page, by inserting immediately after "speed." the following: **"The maximum speed limit set by the county commission of any county of the second, third, or fourth classification for any road under the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is properly marked by signs indicating such speed limit. If the county commission does not mark the roads with signs indicating the speed limit, the speed limit shall be forty-five miles per hour."**

Senator Cauthorn moved that the above amendment be adopted.

Senator Scott offered **SA 1 to SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 1, Line 9, by deleting the words "forty-five" and inserting the words "fifty".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

SA 8, as amended, was again taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Childers offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 24, Section 67.2000, Line 17 of said page, by inserting immediately after said line the following:

"87.177. 1. Any firefighter who terminates employment with five or more years of service but less than twenty years may apply at age sixty-two for a service retirement allowance. Upon written application to the board of trustees the benefit payable shall be equal to two percent times years of service times the average final compensation, and the member shall also be repaid the total amount of the member's contribution, without interest.

2. The benefits provided in subsection 1 of this section shall be in lieu of any benefits payable pursuant to the provisions of section 87.240.

3. Any survivor of a firefighter retiring pursuant to the provisions of subsection 1 of this section shall be entitled to fifty percent of the retirement allowance of the retired member at his or her date of death.

4. Any surviving spouse of a firefighter who had five or more years of service but less than twenty years and who dies prior to application for retirement benefits payable pursuant to this section shall be entitled to fifty percent of the retirement allowance of the member at his or her date of death payable at the date the member would have reached age sixty-two, or to the immediate refund of the member's contribution plus interest. If no surviving spouse exists, a benefit shall be payable pursuant to subdivisions (2) and (3) of subsection 1 of section 87.220, or by the immediate refund of the member's contribution plus interest.

5. Any firefighter retiring pursuant to the provisions of this section shall be entitled to receive a cost-of-living allowance of five percent per year for a maximum of five years.

87.207. The following allowances due under the provisions of sections 87.120 to 87.371 of any member who retired from service shall be increased annually, as approved by the board of trustees beginning with the first increase in the October following his or her retirement and subsequent increases in each October thereafter, at the rates designated:

(1) With a retirement service allowance or ordinary disability allowance:

(a) One and one-half percent per year, compounded each year, up to age sixty for those retiring with twenty to twenty-four years of service,

(b) Two and one-fourth percent per year, compounded each year, up to age sixty for those retiring with twenty-five to twenty-nine years of service,

(c) Three percent per year, compounded each year, up to age sixty for those retiring with thirty or more years of service,

(d) After age sixty, five percent per year for five years;

(2) With an accidental disability allowance, three percent per year, compounded each year, up to age sixty, then five percent per year for five years.

87.231. 1. In lieu of any benefits payable pursuant to section 87.230, any surviving spouse who is receiving retirement benefits, upon application to the board of trustees of the retirement system, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of his or her life, and upon request of the board, give opinions, and be available to give opinions in writing, or orally, in response to such request, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly retirement benefits being received, shall not exceed fifty percent of the deceased member's average final compensation or five hundred twenty-five dollars, whichever is greater.

2. This compensation shall be consolidated with any other retirement benefits payable to such surviving spouse, and shall be paid in the manner and from the same fund as his or her other retirement benefits under this chapter, and shall be treated in all aspects under the laws of this state as retirement benefits paid pursuant to this chapter.

3. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.

87.235. 1. Effective May 1, 2005, upon the receipt of evidence and proof that the death of a member was the result of an accident or exposure at any time or place, provided that at such time or place the member was in the actual performance of the member's duty and, in the case of an exposure, while in response to an emergency call, or was acting pursuant to orders, there shall be paid in lieu of all other benefits the following benefits:

(1) A retirement allowance to the widow during the person's widowhood of seventy percent of the pay then provided by law for the highest step in the range of salary for the next title or next rank above the member's range or title held at the time of the member's death, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who is totally and permanently mentally or physically disabled and incapacitated, regardless of age, but not in excess of a total of three children, including both classes, and paid as the board of trustees in its discretion directs;

(2) If no widow benefits are payable pursuant to subdivision (1), such total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children under the age of eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated, and paid to or for the benefit of such children as the board of trustees in its discretion shall direct;

(3) If there is no widow, or child under the age of eighteen years, or child, regardless of age, who is totally and permanently mentally or physically disabled and incapacitated, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother, as the board of trustees shall direct, to continue until remarriage or death;

(4) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

2. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently mentally or physically disabled and incapacitated, if such child is a patient or ward in a public-

supported institution.

3. Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the widow of the deceased member, the child's benefits may be paid to the widow for the child.

87.238. 1. In lieu of any benefit payable pursuant to section 87.237, any person who served as a firefighter and who is retired and receiving a retirement allowance of less than six hundred twenty-five dollars may act as a special advisor to the retirement system.

2. For the additional service as a special advisor, each retired person shall receive, in addition to the retirement allowance provided pursuant to this chapter, an additional amount, which amount, together with the retirement allowance he or she is receiving pursuant to other provisions of this chapter, shall equal, but not exceed, six hundred twenty-five dollars. Any retirement allowance paid to a retiree pursuant to this subsection shall be withdrawn from the firefighters' retirement and relief system fund and no moneys shall be withdrawn from the general revenue fund of any city not within a county."; and

Further amend said bill, Page 33, Line 2 of said page, by inserting after all of said line the following:

"190.050. 1. After the ambulance district has been declared organized, the declaring county commission, except in counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county commission shall cause an election to be held in the ambulance district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for one director from the ambulance election district in which the voter resides. The directors elected from districts one and four shall serve for a term of one year, the directors elected from districts two and five shall serve for a term of two years, and the directors from districts three and six shall serve for a term of three years; thereafter, the terms of all directors shall be three years. All directors shall serve the term to which they were elected or appointed, and until their successors are elected and qualified, except in cases of resignation or disqualification. The county commission shall reapportion the ambulance districts within sixty days after the population of the county is reported to the governor for each decennial census of the United States. Notwithstanding any other provision of law, if the number of candidates for the office of director is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they have been elected.

2. In all counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, the voters shall vote for six directors elected at large from within the district for a term of three years. Those directors holding office in any district in such a county on August 13, 1976, shall continue to hold office until the expiration of their terms, and their successors shall be elected from the district at large for a term of three years. In any district formed in such counties after August 13, 1976, the governing body of the county shall cause an election to be held in that district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for six directors. The two candidates receiving the highest number of votes at such election shall be elected for a term of three years, the two candidates receiving the third and fourth highest number of votes shall be elected for a term of two years, the two candidates receiving the fifth and sixth highest number of votes shall be elected for a term of one year; thereafter, the term of all directors shall be three years.

3. A candidate for director of the ambulance district shall, at the time of filing, be a citizen of the United States, a qualified voter of the election district as provided in subsection 1 of this section, a resident of the district for two years next preceding the election, and shall be at least twenty-four years of age. In an established district which is located within the jurisdiction of more than one election authority, the candidate shall file his or her declaration of candidacy with the secretary of the board. In all other districts, a candidate shall file a

declaration of candidacy with the county clerk of the county in which he or she resides. A candidate shall file a statement under oath that he or she possesses the required qualifications. No candidate's name shall be printed on any official ballot unless the candidate has filed a written declaration of candidacy pursuant to subsection 5 of section 115.127, RSMo. If the time between the county commission's call for a special election and the date of the election is not sufficient to allow compliance with subsection 5 of section 115.127, RSMo, the county commission shall, at the time it calls the special election, set the closing date for filing declarations of candidacy.

190.051. 1. Notwithstanding the provisions of sections 190.050 and 190.052 to the contrary, upon a motion by the board of directors in districts where there are six-member boards, and upon approval by the voters in the district, the number of directors may be increased to seven with one board member running district wide, or decreased to five or three board members. The ballot to be used for the approval of the voters to increase or decrease the number of members on the board of directors of the ambulance district shall be substantially in the following form:

Shall the number of members of the board of directors of the (Insert name of district) Ambulance District be (increased to seven members/decreased to five members/decreased to three members)?

[] YES [] NO

2. If a majority of the voters voting on a proposition to increase the number of board members to seven vote in favor of the proposition, then at the next election of board members after the voters vote to increase the number of directors, the voters shall select one person to serve in addition to the existing six directors as the member who shall run district wide.

3. If a majority of the voters voting on a proposition to decrease the number of board members vote in favor of the proposition, then the county clerk shall redraw the district into the resulting number of subdistricts with equal population bases and hold elections by subdistricts pursuant to section 190.050. Thereafter, members of the board shall be elected to serve terms of three years and until their successors are duly elected and qualified.

4. Members of the board of directors in office on the date of an election pursuant to this section to increase or decrease the number of members of the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.

5. The provisions of this section shall apply in all counties within the state and to any city not within a county.

190.092. 1. A person or entity who acquires an automated external defibrillator shall ensure that:

(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and

(4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the defibrillator and assure proper review of all situations when the defibrillator is used to render emergency care.

2. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

3. Any person who has had appropriate training, including a course in cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator, and who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person, or with regard to a health care professional, including the licensed physician who reviews and approves the clinical protocol, as a reasonably prudent and careful health care provider would have acted, under the same or similar circumstances. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

4. The provisions of this section shall apply in all counties within the state and any city not within a county.

190.094. In any county of the second classification containing part of a city which is located in four counties and any county bordering said county on the east and south and in any county of the third classification with a population of at least eight thousand four hundred but less than eight thousand five hundred inhabitants containing part of a lake of nine hundred fifty-eight miles of shoreline but less than one thousand miles of shoreline each ambulance, when in use as an ambulance, shall be staffed with a minimum of one emergency medical technician and one other crew member as set forth in rules adopted by the department. When transporting a patient, at least one licensed emergency medical technician, registered nurse or physician shall be in attendance with the patient in the patient compartment at all times.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

- (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;**
- (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;**
- (3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;**
- (4) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;**
- (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;**
- (6) "Council", the state advisory council on emergency medical services;**
- (7) "Department", the department of health and senior services, state of Missouri;**
- (8) "Director", the director of the department of health and senior services or the director's duly authorized representative;**
- (9) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;**

(10) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:

(a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain;

(11) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(12) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(13) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;

(14) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;

(15) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;

(16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(17) "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

(18) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

(19) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;

(20) "First responder", a person who has successfully completed an emergency first response course meeting or

exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(21) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;

(22) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, RSMo, or a hospital operated by the state;

(23) "Medical control", supervision provided by or under the direction of physicians to providers by written or verbal communications;

(24) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;

(25) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;

(26) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

(27) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

(28) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(29) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;

(30) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;

(31) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(32) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(33) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

(34) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(35) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(36) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(37) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(38) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(39) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

(40) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

(41) "Trauma center", a hospital that is currently designated as such by the department.

190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, RSMo, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, RSMo, or to counties, cities, towns and villages pursuant to chapter 67, RSMo.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;**
- (2) Medical director qualifications;**
- (3) Air medical staff qualifications;**
- (4) Response and operations standards to assure that the health and safety needs of the public are met;**
- (5) Standards for air medical communications;**
- (6) Criteria for compliance with licensure requirements;**
- (7) Records and forms;**
- (8) Equipment requirements;**
- (9) Five-year license renewal;**
- (10) Quality improvement committees; and**

(11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

(1) Will provide a benefit to public health that outweighs the associated costs;

(2) Will maintain or enhance the public's access to ambulance services;

(3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;

(4) Has demonstrated the appropriate expertise in the operation of ambulance services; and

(5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from

its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;
- (2) Equipment requirements;
- (3) Staffing requirements;
- (4) Five-year license renewal;
- (5) Records and forms;
- (6) Medical control plans;
- (7) Medical director qualifications;
- (8) Standards for medical communications;
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001 to 190.245, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage or proof of financial responsibility with adequate reserves maintained for each and every ambulance owned or operated by or for the applicant or licensee to provide for the payment of damages in an amount as prescribed in regulation:

- (1) For injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him or her by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and
- (2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy or proof of financial responsibility shall be submitted by all licensees required to provide such insurance pursuant to sections 190.001 to 190.245. The insurance policy, or proof of the existence of financial responsibility, shall be submitted to the director, in such form as the director may specify, for the director's approval prior to the issuance of each ambulance service license.

3. Every insurance policy or proof of financial responsibility document required by the provisions of this section shall contain proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured licensee or entity will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of such policy, recovered against any person other than the owner, the owner's agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured licensee or entity as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the director and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulance service covered by such policy unless covered by another insurance policy in compliance with sections 190.001 to 190.245.

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;**
- (2) Medical direction;**
- (3) Records and forms; and**
- (4) Memorandum of understanding with local ambulance services.**

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies licensed and serving in any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants will be licensed to provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level.

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;**
- (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;**
- (3) Initial licensure testing requirements;**
- (4) Continuing education and relicensure requirements; and**
- (5) Ability to speak, read and write the English language.**

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

- (1) Consistent with the training, education and experience of the particular emergency medical technician; and**
- (2) Ordered by a physician or set forth in protocols approved by the medical director.**

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

- (1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;**
- (2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;**
- (3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245;**
- (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245;**
- (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to 190.245.**

2. A temporary emergency medical technician license shall only authorize the license to practice while under the immediate supervision of a licensed emergency medical technician-basic, emergency medical technician-paramedic, registered nurse or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

190.146. Any licensee allowing a license to lapse may within two years of the lapse request that their license be returned to active status by notifying the department in advance of such intention, and submit a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. If the licensee meets all the requirements for relicensure, the department shall issue a new emergency medical technician license to the licensee.

190.160. The renewal of any license shall require conformance with sections 190.001 to 190.245 and sections 190.525 to 190.537, and rules adopted by the department pursuant to sections 190.001 to 190.245 and sections 190.525 to 190.537.

190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions of sections 190.100 to 190.245

or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate, permit or license required by sections 190.100 to 190.245 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to 190.245;
- (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to take any examination given or required pursuant to sections 190.100 to 190.245;
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245;
- (6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to 190.245;
- (7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;
- (8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice pursuant to sections 190.100 to 190.245;
- (11) Issuance of a certificate, permit or license based upon a material mistake of fact;
- (12) Violation of any professional trust or confidence;
- (13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
- (14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

- (15) Refusal of any applicant or licensee to cooperate with the department of health and senior services during any investigation;**
- (16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public;**
- (17) Repeated negligence in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245.**

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit.

4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

5. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

6. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

7. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.171. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person pursuant to the provisions of sections 190.001 to 190.245 and sections 190.525 to 190.537, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.

190.172. Notwithstanding the provisions of subdivision (3) of subsection 3 of section 621.045, RSMo, to the contrary, if no contested case has been filed against the licensee, the agency shall submit a copy of the settlement agreement signed by all of the parties within fifteen days after signature to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee. Any person who is directly harmed by the specific conduct for which the discipline is sought may submit a written impact statement to the administrative hearing commission for consideration in connection with the commission's review of the settlement agreement.

190.175. 1. Each ambulance service licensee or emergency medical response agency licensee shall maintain accurate records, which contain information concerning the care and, if applicable, the transportation of each patient.

2. Records will be retained by the ambulance service licensees and emergency medical response agency licensees for five years, readily available for inspection by the department, notwithstanding transfer, sale or discontinuance of the ambulance services or business.

3. A patient care report, approved by the department, shall be completed for each ambulance run on which are entered pertinent remarks by the emergency medical technician, registered nurse or physician and such other items as specified by rules promulgated by the department.

4. A written or electronic patient care document shall be completed and given to the ambulance service personnel by the health care facility when a patient is transferred between health care facilities. Such patient care record shall contain such information pertinent to the continued care of the patient as well as the health and safety of the ambulance service personnel during the transport. Nothing in this section shall be construed as to limit the reporting requirements established in federal law relating to the transfer of patients between health care facilities.

5. Such records shall be available for inspection by the department at any reasonable time during business hours.

190.185. The department shall adopt, amend, promulgate, and enforce such rules, regulations and standards with respect to the provisions of this chapter as may be designed to further the accomplishment of the purpose of this law in promoting state-of-the-art emergency medical services in the interest of public health, safety and welfare. When promulgating such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

190.196. 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as a first responder, emergency medical dispatcher, emergency medical technician-basic, emergency medical technician-paramedic, registered nurse or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

(1) Child abuse or sexual abuse of a child;

(2) Crimes of violence; or

(3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section

shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

190.246. 1. As used in this section, the following terms shall mean:

(1) "Eligible person, firm, organization or other entity", an ambulance service or emergency medical response agency, a certified first responder, emergency medical technical-basic or emergency medical technician-paramedic who is employed by, or an enrolled member, person, firm, organization or entity designated by, rule of the department of health and senior services in consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334, RSMo, with knowledge and experience in the delivery of emergency care; or

(b) A hospital licensed pursuant to chapter 197, RSMo, that provides emergency care.

2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider.

3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

4. Any person, firm, organization or entity that violates the provisions of this section is guilty of a class B misdemeanor.

190.248. 1. All investigations conducted in response to allegations of violations of sections 190.001 to 190.245 shall be completed within six months of receipt of the allegation.

2. In the course of an investigation the department shall have access to all records directly related to the alleged violations from persons or entities licensed pursuant to this chapter or chapter 197 or 198, RSMo.

3. Any department investigations that involve other administrative or law enforcement agencies shall be completed within six months of notification and final determination by such administrative or law enforcement agencies.

190.250. 1. As used in this section, the following terms mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

(3) "Patient", any person to whom an ambulance service delivers treatment, care, or transportation for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Ambulance services shall have the same rights granted to hospitals in sections 430.230 to 430.250, RSMo.

3. If the liens of such ambulance services or hospitals exceed fifty percent of the amount due the patient, every ambulance service or hospital giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of ambulance services or hospitals. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the ambulance service, the insurance carrier may pay the amount due secured by the lien of the ambulance service directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any ambulance service electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time."; and

Further amend said bill, Page 33, Section 190.306, Line 11 of said page, by inserting after all of said line the following:

"190.525. As used in sections 190.525 to 190.537, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(3) "Passenger", an individual needing transportation in a supine position who does not require medical monitoring, observation, aid, care or treatment during transportation, with the exception of self-administered oxygen as ordered by a physician during transportation;

(4) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, and who may require medical monitoring, medical observation, aid, care or treatment during transportation, with the exception of self-administered oxygen as ordered by a physician;

(5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy,

or any other service user or provider;

- (6) "Stretcher van", any vehicle other than an ambulance designed and equipped to transport passengers in a supine position. No such vehicle shall be used to provide medical services;
- (7) "Stretcher van service", any person or agency that provides stretcher van transportation to passengers who are confined to stretchers and whose conditions are such that they do not need and are not likely to need medical attention during transportation.

190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of passengers by stretcher van upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for a stretcher van service issued pursuant to the provisions of sections 190.525 to 190.537 notwithstanding any provisions of chapter 390 or 622, RSMo, to the contrary.

2. Subsection 1 of this section shall not preclude any political subdivision that is authorized to operate a licensed ambulance service from adopting any law, ordinance or regulation governing the operation of stretcher vans that is at least as strict as the minimum state standards, and no such regulations or ordinances shall prohibit stretcher van services that were legally picking up passengers within a political subdivision prior to January 1, 2004, from continuing to operate within that political subdivision and no political subdivision which did not regulate or prohibit stretcher van services as of January 1, 2004, shall implement unreasonable regulations or ordinances to prevent the establishment and operation of such services.

3. In any county with a charter form of government and with more than one million inhabitants, the governing body of the county shall set reasonable standards for all stretcher van services which shall comply with subsection 2 of this section. All such stretcher van services must be licensed by the department. The governing body of such county shall not prohibit a licensed stretcher van service from operating in the county, as long as the stretcher van service meets county standards.

4. Nothing shall preclude the enforcement of any laws, ordinances or regulations of any political subdivision authorized to operate a licensed ambulance service that were in effect prior to August 28, 2003.

5. Stretcher van services may transport passengers.

6. A stretcher van shall be staffed by at least two individuals when transporting passengers.

7. The crew of the stretcher van is required to immediately contact the appropriate ground ambulance service if a passenger's condition deteriorates.

8. Stretcher van services shall not transport patients, persons currently admitted to a hospital or persons being transported to a hospital for admission or emergency treatment.

9. The department of health and senior services shall promulgate regulations, including but not limited to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance, vehicle specifications, vehicle communications, passenger safety and records and reports.

10. The department of health and senior services shall issue service licenses for a period of no more than five years for each service meeting the established rules.

11. Application for a stretcher van license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.525 to 190.537. The application form shall contain such information as the department deems necessary to make a determination as to whether the stretcher van agency meets all the requirements of sections 190.525 to 190.537 and rules promulgated pursuant to sections 190.525 to 190.537. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure

standards of sections 190.525 to 190.537.

12. Upon the sale or transfer of any stretcher van service ownership, the owner of the stretcher van service shall notify the department of the change in ownership within thirty days prior to the sale or transfer. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure standards of sections 190.525 to 190.537.

13. Ambulance services licensed pursuant to this chapter or any rules promulgated by the department of health and senior services pursuant to this chapter may provide stretcher van and wheelchair transportation services pursuant to sections 190.525 to 190.537.

14. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

190.531. 1. The department may refuse to issue or deny renewal of any license required pursuant to sections 190.525 to 190.537 for failure to comply with the provisions of sections 190.525 to 190.537 or any lawful regulations promulgated by the department to implement the provisions of sections 190.525 to 190.537. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 190.525 to 190.537 or any person who has failed to renew or has surrendered his or her license for failure to comply with the provisions of sections 190.525 to 190.537 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.525 to 190.537;**
- (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.525 to 190.537, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;**
- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.525 to 190.537 or in obtaining permission to take any examination given or required pursuant to sections 190.537 to 190.540;**
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;**
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.525 to 190.537;**
- (6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.525 to 190.537, or of any lawful rule or regulation adopted by the department pursuant to sections 190.525 to 190.537;**

- (7) Impersonation of any person holding a license or allowing any person to use his or her license;**
- (8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.525 to 190.537 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;**
- (9) For an individual, being finally adjudged insane or incompetent by a court of competent jurisdiction;**
- (10) Issuance of a license based upon a material mistake of fact;**
- (11) Violation of any professional trust or confidence;**
- (12) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;**
- (13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;**
- (14) Refusal of any applicant or licensee to cooperate with the department of health and senior services during any investigation;**
- (15) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public;**
- (16) Repeated negligence in the performance of the functions or duties of any activity licensed by this chapter.**

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, as provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.525 to 190.537 relative to the licensing of an applicant for the first time.

5. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

6. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.525 to 190.537 and who does so in good faith and without negligence shall not be subject to an action for civil damages as a result thereof.

7. The department of health and senior services may suspend any license required pursuant to sections 190.525 to 190.537 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

190.534. 1. Any person violating, or failing to comply with, the provisions of sections 190.525 to 190.537 is guilty of a class B misdemeanor.

2. Each day that any violation of, or failure to comply with, sections 190.525 to 190.537 is committed or permitted to continue shall constitute a separate and distinct offense, and shall be punishable as a separate offense pursuant to this section; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections 190.525 to 190.537, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating in violation of sections 190.525 to 190.537.

190.537. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created pursuant to the authority of sections 190.525 to 190.537 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

191.630. As used in sections 191.630 and 191.631, the following terms mean:

(1) "Care provider", a person who is employed as an emergency medical care provider, firefighter, or police officer;

(2) "Contagious or infectious disease", hepatitis in any form and any other communicable disease as defined in section 192.800, RSMo, except AIDS or HIV infection as defined in section 191.650, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, in accordance with guidelines of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(3) "Department", the Missouri department of health and senior services;

(4) "Emergency medical care provider", a licensed or certified person trained to provide emergency and nonemergency medical care as a first responder, EMT-B, or EMT-P as defined in section 190.100, RSMo, or other certification or licensure levels adopted by rule of the department;

(5) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties;

(6) "HIV", the same meaning as defined in section 191.650;

(7) "Hospital", the same meaning as defined in section 197.020, RSMo.

191.631. 1. (1) Notwithstanding any other law to the contrary, if a care provider sustains an exposure from a person while rendering emergency health care services, the person to whom the care provider was exposed is deemed to consent to a test to determine if the person has a contagious or infectious disease and is deemed to consent to notification of the care provider of the results of the test, upon submission of an exposure report by the care provider to the hospital where the person is delivered by the care provider.

(2) The hospital where the person is delivered shall conduct the test. The sample and test results shall only be identified by a number and shall not otherwise identify the person tested.

(3) A hospital shall have written policies and procedures for notification of a care provider pursuant to this section. The policies and procedures shall include designation of a representative of the care provider to whom notification shall be provided and who shall, in turn, notify the care provider. The identity of the designated representative of the care provider shall not be disclosed to the person tested. The designated representative shall inform the hospital of those parties who receive the notification, and following receipt of such information and upon request of the person tested, the hospital shall inform the person of the parties to whom notification

was provided.

2. If a person tested is diagnosed or confirmed as having a contagious or infectious disease pursuant to this section, the hospital shall notify the care provider or the designated representative of the care provider who shall then notify the care provider.

3. The notification to the care provider shall advise the care provider of possible exposure to a particular contagious or infectious disease and recommend that the care provider seek medical attention. The notification shall be provided as soon as is reasonably possible following determination that the individual has a contagious or infectious disease. The notification shall not include the name of the person tested for the contagious or infectious disease unless the person consents. If the care provider who sustained an exposure determines the identity of the person diagnosed or confirmed as having a contagious or infectious disease, the identity of the person shall be confidential information and shall not be disclosed by the care provider to any other individual unless a specific written release obtained by the person diagnosed with or confirmed as having a contagious or infectious disease.

4. This section does not require or permit, unless otherwise provided, a hospital to administer a test for the express purpose of determining the presence of a contagious or infectious disease; except that testing may be performed if the person consents and if the requirements of this section are satisfied.

5. This section does not preclude a hospital from providing notification to a care provider under circumstances in which the hospital's policy provides for notification of the hospital's own employees of exposure to a contagious or infectious disease that is not life-threatening if the notice does not reveal a patient's name, unless the patient consents.

6. A hospital participating in good faith in complying with the provisions of this section is immune from any liability, civil or criminal, which may otherwise be incurred or imposed.

7. A hospital's duty of notification pursuant to this section is not continuing but is limited to diagnosis of a contagious or infectious disease made in the course of admission, care, and treatment following the rendering of health care services to which notification pursuant to this section applies.

8. A hospital that performs a test in compliance with this section or that fails to perform a test authorized pursuant to this section is immune from any liability, civil or criminal, which may otherwise be incurred or imposed.

9. A hospital has no duty to perform the test authorized.

10. The department shall adopt rules to implement this section. The department may determine by rule the contagious or infectious diseases for which testing is reasonable and appropriate and which may be administered pursuant to this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

11. The employer of a care provider who sustained an exposure pursuant to this section shall pay the costs of testing for the person who is the source of the exposure and of the testing of the care provider if the exposure was sustained during the course of employment.

12. The provisions of this section shall apply to all counties within the state and to any city not within a county.";
and

Further amend said bill, Page 38, Section 304.010, Line 2 of said page, by inserting after all of said line the following:

"321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least two years before the election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. Nominations and declarations of candidacy shall be filed at the headquarters of the fire

protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than two years before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

5. The provisions of this section shall apply to any county within the state and to any city not within a county.

321.180. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount to be determined by the board for not less than five thousand dollars, conditioned on the faithful performance of the duties of his office. He shall file in the office of the county clerk of each county in which all or part of the district lies a detailed financial statement for the preceding fiscal year of the district on behalf of the board, on or before April first of the following year.

321.554. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants; or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants, when the revenue from the ambulance or fire protection district sales tax is collected for distribution pursuant to section 321.552, the board of the ambulance or fire protection district, after determining its budget for the year pursuant to section 67.010, RSMo, and the rate of levy needed to produce the required revenue and after making any other adjustments to the levy that may be required by any other law, shall reduce the total operating levy of the district in an amount sufficient to decrease the revenue it would have received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax receipts. Loss of revenue, due to a decrease in the assessed valuation of real property located within the ambulance or fire protection district as a result of general reassessment, and from state-assessed railroad and utility distributable property based upon the previous fiscal year's receipts shall be considered in lowering the rate of levy to comply with this section in the year of general reassessment and in each subsequent year. In the event that in the immediately preceding year the ambulance or fire protection district actually received more or less sales tax revenue than estimated, the ambulance or fire protection district board may adjust its operating levy for the current year to reflect such increase or decrease. The director of revenue shall certify the amount payable from the ambulance or fire protection district sales tax trust fund to the general revenue fund to the state treasurer.

2. Except that, in the first year in which any sales tax is collected pursuant to section 321.552, the collector shall not reduce the tax rate as defined in section 137.073, RSMo.

3. In a year of general reassessment, as defined by section 137.073, RSMo, or assessment maintenance as defined by section 137.115, RSMo, in which an ambulance or fire protection district in reliance upon the information

then available to it relating to the total assessed valuation of such ambulance or fire protection district revises its property tax levy pursuant to section 137.073 or 137.115, RSMo, and it is subsequently determined by decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of assessed valuations that the assessed valuation of such ambulance or fire protection district has been changed, and but for such change the ambulance or fire protection district would have adopted a different levy on the date of its original action, then the ambulance or fire protection district may adjust its levy to an amount to reflect such change in assessed valuation, including, if necessary, a change in the levy reduction required by this section to the amount it would have levied had the correct assessed valuation been known to it on the date of its original action, provided:

- (1) The ambulance or fire protection district first levies the maximum levy allowed without a vote of the people by article X, section 11(b) of the constitution; and
- (2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise authorized by other laws of this state; and
- (3) The levy adjustment or reduction may include a one-time correction to recoup lost revenues the ambulance or fire protection district was entitled to receive during the prior year.

321.556. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants; or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants, the governing body of any ambulance or fire protection district, when presented with a petition signed by at least twenty percent of the registered voters in the ambulance or fire protection district that voted in the last gubernatorial election, calling for an election to repeal the tax pursuant to section 321.552, shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

"Shall (insert name of ambulance or fire protection district) repeal the (insert amount up to one-half) of one percent sales tax now in effect in the (insert name of ambulance or fire protection district) and reestablish the property tax levy in the district to the rate in existence prior to the enactment of the sales tax?

[] Yes [] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

2. If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved."; and

Further amend said bill, Page 41, Section 644.583, Line 28 of said page, by inserting after all of said line the following:

"[87.177. 1. Any firefighter who terminates employment with five or more years of service but less than twenty years may apply at age sixty-two for a service retirement allowance. Upon written application to the board of trustees the benefit payable shall be equal to two percent times years of service times the average final compensation, and the member shall also be repaid the total amount of the member's contribution, without interest.

2. The benefits provided in subsection 1 of this section shall be in lieu of any benefits payable pursuant to the provisions of section 87.240.

3. Any survivor of a firefighter retiring pursuant to the provisions of subsection 1 of this section shall be entitled to fifty percent of the retirement allowance of the retired member at his or her date of death.

4. Any surviving spouse of a firefighter who had five or more years of service but less than twenty years and who dies prior to application for retirement benefits payable pursuant to this section shall be entitled to fifty percent of the retirement allowance of the member at his or her date of death payable at the date the member would have reached age sixty-two, or to the immediate refund of the member's contribution plus interest. If no surviving spouse exists, a benefit shall be payable pursuant to subdivisions (2) and (3) of subsection 1 of section 87.220, or by the immediate refund of the member's contribution plus interest.

5. Any firefighter retiring pursuant to the provisions of this section shall be entitled to receive a cost-of-living allowance of five percent per year for a maximum of five years.]

[87.207. The following allowances due under the provisions of sections 87.120 to 87.371 of any member who retired from service shall be increased annually, as approved by the board of trustees beginning with the first increase in the October following his or her retirement and subsequent increases in each October thereafter, at the rates designated:

(1) With a retirement service allowance or ordinary disability allowance:

(a) One and one-half percent per year, compounded each year, up to age sixty for those retiring with twenty to twenty-four years of service,

(b) Two and one-fourth percent per year, compounded each year, up to age sixty for those retiring with twenty-five to twenty-nine years of service,

(c) Three percent per year, compounded each year, up to age sixty for those retiring with thirty or more years of service,

(d) After age sixty, five percent per year for five years;

(2) With an accidental disability allowance, three percent per year, compounded each year, up to age sixty, then five percent per year for five years.]

[87.231. 1. In lieu of any benefits payable pursuant to section 87.230, any surviving spouse who is receiving retirement benefits, upon application to the board of trustees of the retirement system, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of his or her life, and upon request of the board, give opinions, and be available to give opinions in writing, or orally, in response to such request, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly retirement benefits being received, shall not exceed fifty percent of the deceased member's average final compensation or five hundred twenty-five dollars, whichever is greater.

2. This compensation shall be consolidated with any other retirement benefits payable to such surviving spouse, and shall be paid in the manner and from the same fund as his or her other retirement benefits under this chapter, and shall be treated in all aspects under the laws of this state as retirement benefits paid pursuant to this chapter.

3. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits under this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary notwithstanding.]

[87.235. 1. Effective May 1, 2002, upon the receipt of evidence and proof that the death of a member was the result of an accident or exposure at any time or place, provided that at such time or place the member was in the actual performance of the member's duty and, in the case of an exposure, while in response to an emergency call, or was

acting pursuant to orders, there shall be paid in lieu of all other benefits the following benefits:

(1) A retirement allowance to the widow during the person's widowhood of seventy percent of the pay then provided by law for the highest step in the range of salary for the next title or next rank above the member's range or title held at the time of the member's death, plus ten percent of such compensation to or for the benefit of each unmarried dependent child of the deceased member, who is either under the age of eighteen, or who is totally and permanently mentally or physically disabled and incapacitated, regardless of age, but not in excess of a total of three children, including both classes, and paid as the board of trustees in its discretion directs;

(2) If no widow benefits are payable pursuant to subdivision (1), such total allowance as would have been paid had there been a widow shall be divided among the unmarried dependent children under the age of eighteen and such unmarried children, regardless of age, who are totally and permanently mentally or physically disabled and incapacitated, and paid to or for the benefit of such children as the board of trustees in its discretion shall direct;

(3) If there is no widow, or child under the age of eighteen years, or child, regardless of age, who is totally and permanently mentally or physically disabled and incapacitated, then an amount equal to the widow's benefit shall be paid to the member's dependent father or dependent mother, as the board of trustees shall direct, to continue until remarriage or death;

(4) Any benefit payable to, or for the benefit of, a child or children under the age of eighteen years pursuant to subdivisions (1) and (2) of this section shall be paid beyond the age of eighteen years through the age of twenty-five years in such cases where the child is a full-time student at a regularly accredited college, business school, nursing school, school for technical or vocational training or university, but such benefit shall cease whenever the child ceases to be a student. A college or university shall be deemed to be regularly accredited which maintains membership in good standing in a national or regional accrediting agency recognized by any state college or university.

2. No benefits pursuant to this section shall be paid to a child over eighteen years of age who is totally and permanently mentally or physically disabled and incapacitated, if such child is a patient or ward in a public-supported institution.

3. Wherever any dependent child designated by the board of trustees to receive benefits pursuant to this section is in the care of the widow of the deceased member, the child's benefits may be paid to the widow for the child.]

[87.238. 1. In lieu of any benefit payable pursuant to section 87.237, any person who served as a firefighter and who is retired and receiving a retirement allowance of less than six hundred twenty-five dollars may act as a special advisor to the retirement system.

2. For the additional service as a special advisor, each retired person shall receive, in addition to the retirement allowance provided pursuant to this chapter, an additional amount, which amount, together with the retirement allowance he or she is receiving pursuant to other provisions of this chapter, shall equal, but not exceed, six hundred twenty-five dollars. Any retirement allowance paid to a retiree pursuant to this subsection shall be withdrawn from the firefighters' retirement and relief system fund and no moneys shall be withdrawn from the general revenue fund of any city not within a county.]

[190.050. 1. After the ambulance district has been declared organized, the declaring county commission, except in counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, shall divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six inclusive. The county commission shall cause an election to be held in the ambulance district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for one director from the ambulance election district in which the voter resides. The directors elected from districts one and four shall serve for a term of one year, the directors elected from districts two and five shall serve for a term of two years, and the directors from districts three and six shall serve for a term of three years; thereafter, the terms of all directors shall be three years. All directors shall serve the term to which they were elected or appointed, and until their successors are elected and qualified, except in cases of resignation or disqualification. The county

commission shall reapportion the ambulance districts within sixty days after the population of the county is reported to the governor for each decennial census of the United States. Notwithstanding any other provision of law, if the number of candidates for the office of director is no greater than the number of directors to be elected, no election shall be held, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they have been elected.

2. In all counties of the second class having more than one hundred five thousand inhabitants located adjacent to a county of the first class having a charter form of government which has a population of over nine hundred thousand inhabitants, the voters shall vote for six directors elected at large from within the district for a term of three years. Those directors holding office in any district in such a county on August 13, 1976, shall continue to hold office until the expiration of their terms, and their successors shall be elected from the district at large for a term of three years. In any district formed in such counties after August 13, 1976, the governing body of the county shall cause an election to be held in that district within ninety days after the order establishing the ambulance district to elect ambulance district directors. Each voter shall vote for six directors. The two candidates receiving the highest number of votes at such election shall be elected for a term of three years, the two candidates receiving the third and fourth highest number of votes shall be elected for a term of two years, the two candidates receiving the fifth and sixth highest number of votes shall be elected for a term of one year; thereafter, the term of all directors shall be three years.

3. A candidate for director of the ambulance district shall, at the time of filing, be a citizen of the United States, a qualified voter of the election district as provided in subsection 1 of this section, a resident of the district for two years next preceding the election, and shall be at least twenty-four years of age. In an established district which is located within the jurisdiction of more than one election authority, the candidate shall file his or her declaration of candidacy with the secretary of the board. In all other districts, a candidate shall file a declaration of candidacy with the county clerk of the county in which he or she resides. A candidate shall file a statement under oath that he or she possesses the required qualifications. No candidate's name shall be printed on any official ballot unless the candidate has filed a written declaration of candidacy pursuant to subsection 5 of section 115.127, RSMo. If the time between the county commission's call for a special election and the date of the election is not sufficient to allow compliance with subsection 5 of section 115.127, RSMo, the county commission shall, at the time it calls the special election, set the closing date for filing declarations of candidacy.]

[190.051. 1. Notwithstanding the provisions of sections 190.050 and 190.052 to the contrary, upon a motion by the board of directors in districts where there are six-member boards, and upon approval by the voters in the district, the number of directors may be increased to seven with one board member running district wide, or decreased to five or three board members. The ballot to be used for the approval of the voters to increase or decrease the number of members on the board of directors of the ambulance district shall be substantially in the following form:

Shall the number of members of the board of directors of the (Insert name of district) Ambulance District be (increased to seven members/decreased to five members/decreased to three members)?

[] YES [] NO

2. If a majority of the voters voting on a proposition to increase the number of board members to seven vote in favor of the proposition, then at the next election of board members after the voters vote to increase the number of directors, the voters shall select one person to serve in addition to the existing six directors as the member who shall run district wide.

3. If a majority of the voters voting on a proposition to decrease the number of board members vote in favor of the proposition, then the county clerk shall redraw the district into the resulting number of subdistricts with equal population bases and hold elections by subdistricts pursuant to section 190.050. Thereafter, members of the board shall be elected to serve terms of three years and until their successors are duly elected and qualified.

4. Members of the board of directors in office on the date of an election pursuant to this section to increase or decrease the number of members of the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.]

[190.092. 1. A person or entity who acquires an automated external defibrillator shall ensure that:

- (1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;
- (2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;
- (3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and
- (4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the defibrillator and assure proper review of all situations when the defibrillator is used to render emergency care.

2. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

3. Any person who has had appropriate training, including a course in cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator, and who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person, or with regard to a health care professional, including the licensed physician who reviews and approves the clinical protocol, as a reasonably prudent and careful health care provider would have acted, under the same or similar circumstances. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.]

[190.094. In any county of the second classification containing part of a city which is located in four counties and any county bordering said county on the east and south and in any county of the third classification with a population of at least eight thousand four hundred but less than eight thousand five hundred inhabitants containing part of a lake of nine hundred fifty-eight miles of shoreline but less than one thousand miles of shoreline each ambulance, when in use as an ambulance, shall be staffed with a minimum of one emergency medical technician and one other crew member as set forth in rules adopted by the department. When transporting a patient, at least one licensed emergency medical technician, registered nurse or physician shall be in attendance with the patient in the patient compartment at all times.]

[190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

- (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;
- (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;
- (3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

- (4) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;
- (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;
- (6) "Council", the state advisory council on emergency medical services;
- (7) "Department", the department of health and senior services, state of Missouri;
- (8) "Director", the director of the department of health and senior services or the director's duly authorized representative;
- (9) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;
- (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing an average knowledge of health and medicine, to believe that the absence of immediate medical care could result in:
- (a) Placing the person's health, or with respect to a pregnant woman, the health of the woman or her unborn child, in significant jeopardy;
 - (b) Serious impairment to a bodily function;
 - (c) Serious dysfunction of any bodily organ or part;
 - (d) Inadequately controlled pain;
- (11) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
- (12) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;
- (13) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;
- (14) "Emergency medical services (EMS) system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents occurring as a result of an illness, injury, natural disaster or similar situation;
- (15) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;
- (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

- (17) "Emergency medical technician-intermediate" or "EMT-I", a person who has successfully completed a course of instruction in certain aspects of advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;
- (18) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;
- (19) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider or by an ambulance service or emergency medical response agency;
- (20) "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;
- (21) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;
- (22) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, RSMo, or a hospital operated by the state;
- (23) "Medical control", supervision provided by or under the direction of physicians to providers by written or verbal communications;
- (24) "Medical direction", medical guidance and supervision provided by a physician to an emergency services provider or emergency medical services system;
- (25) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated by the ambulance service or emergency medical response agency and who meets criteria specified by the department by rules pursuant to sections 190.001 to 190.245;
- (26) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;
- (27) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;
- (28) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;
- (29) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;
- (30) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;
- (31) "Professional organization", any organized group or association with an ongoing interest regarding emergency

medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric services, labor unions and poison control services;

(32) "Proof of financial responsibility", proof of ability to respond to damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated by the department, but in no event less than the statutory minimum required for motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

(33) "Protocol", a predetermined, written medical care guideline, which may include standing orders;

(34) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;

(35) "Specialty care transportation", the transportation of a patient requiring the services of an emergency medical technician-paramedic who has received additional training beyond the training prescribed by the department. Specialty care transportation services shall be defined in writing in the appropriate local protocols for ground and air ambulance services and approved by the local physician medical director. The protocols shall be maintained by the local ambulance service and shall define the additional training required of the emergency medical technician-paramedic;

(36) "Stabilize", with respect to an emergency, the provision of such medical treatment as may be necessary to attempt to assure within reasonable medical probability that no material deterioration of an individual's medical condition is likely to result from or occur during ambulance transportation unless the likely benefits of such transportation outweigh the risks;

(37) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;

(38) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;

(39) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;

(40) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;

(41) "Trauma center", a hospital that is currently designated as such by the department.]

[190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of sixteen members, one of which shall be a resident of a city not within a county. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that members of the council shall, subject to appropriations, be reimbursed for reasonable travel expenses and meeting expenses related to the functions of the council.
 5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.]
- [190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.
2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094.
 3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:
 - (1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or
 - (2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.
 4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.
 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.
 6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.
 7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, RSMo, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, RSMo, or to counties, cities, towns and villages pursuant to chapter 67, RSMo.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.]

[190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an air ambulance license.

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;
- (5) Standards for air medical communications;
- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;

- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon the sale or transfer of any air ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.]

[190.109. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for a ground ambulance license.

2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances on August 28, 1998, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.

3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement required pursuant to this section shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance service:

- (1) Will provide a benefit to public health that outweighs the associated costs;
- (2) Will maintain or enhance the public's access to ambulance services;
- (3) Will maintain or improve the public health and promote the continued development of the regional emergency medical service system;
- (4) Has demonstrated the appropriate expertise in the operation of ambulance services; and
- (5) Has demonstrated the financial resources necessary for the operation of the proposed ambulance service.

4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services

for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area, except that licensed ambulance service providers may provide ambulance services as are needed at and around the state fair grounds for protection of attendees at the state fair.

5. The department shall renew a ground ambulance service license if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245.

6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:

- (1) Vehicle design, specification, operation and maintenance standards;
- (2) Equipment requirements;
- (3) Staffing requirements;
- (4) Five-year license renewal;
- (5) Records and forms;
- (6) Medical control plans;
- (7) Medical director qualifications;
- (8) Standards for medical communications;
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

7. Application for a ground ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.]

[190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001 to 190.245, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage or proof of financial responsibility with adequate reserves maintained for each and every ambulance owned or operated by or for the applicant or licensee to provide for the payment of damages in an amount as prescribed in regulation:

- (1) For injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him or her by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and
- (2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy or proof of financial responsibility shall be submitted by all licensees required to provide such insurance pursuant to sections 190.001 to 190.245. The insurance policy, or proof of the existence of financial responsibility, shall be submitted to the director, in such form as the director may specify, for the director's approval

prior to the issuance of each ambulance service license.

3. Every insurance policy or proof of financial responsibility document required by the provisions of this section shall contain proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured licensee or entity will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of such policy, recovered against any person other than the owner, the owner's agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured licensee or entity as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the director and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulance service covered by such policy unless covered by another insurance policy in compliance with sections 190.001 to 190.245.]

[190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, record keeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.001 to 190.245.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

7. No person or entity shall hold itself out or provide training required by this section without accreditation or certification by the department.]

[190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

(1) A licensure period of five years;

- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies licensed and serving in any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants will be licensed to provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level.]

[190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

- (1) Age requirements;
- (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
- (3) Initial licensure testing requirements;
- (4) Continuing education and relicensure requirements; and
- (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

- (1) Consistent with the training, education and experience of the particular emergency medical technician; and
- (2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.]

[190.143. 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

- (1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;
- (2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;
- (3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245;
- (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245;
- (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to 190.245.

2. A temporary emergency medical technician license shall only authorize the license to practice while under the immediate supervision of a licensed emergency medical technician-basic, emergency medical technician-paramedic, registered nurse or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.]

[190.146. Any licensee allowing a license to lapse may within two years of the lapse request that their license be returned to active status by notifying the department in advance of such intention, and submit a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. If the licensee meets all the requirements for relicensure, the department shall issue a new emergency medical technician license to the licensee.]

[190.160. The renewal of any license shall require conformance with sections 190.001 to 190.245 and sections 190.525 to 190.537, and rules adopted by the department pursuant to sections 190.001 to 190.245 and sections 190.525 to 190.537.]

[190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement its provisions as described in subsection 2 of this section. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate, permit or license required by sections 190.100 to 190.245 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

- (1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.100 to 190.245;
- (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to take any examination given or required pursuant to sections 190.100 to 190.245;
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245;
- (6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to sections 190.100 to 190.245;
- (7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;
- (8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice pursuant to sections 190.100 to 190.245;
- (11) Issuance of a certificate, permit or license based upon a material mistake of fact;
- (12) Violation of any professional trust or confidence;
- (13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
- (14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;
- (15) Refusal of any applicant or licensee to cooperate with the department of health and senior services during any investigation;
- (16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public;

(17) Repeated negligence in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit.

4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

5. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

6. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

7. The department of health and senior services may suspend any certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.]

[190.171. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person pursuant to the provisions of sections 190.001 to 190.245 and sections 190.525 to 190.537, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.]

[190.172. Notwithstanding the provisions of subdivision (3) of subsection 3 of section 621.045, RSMo, to the contrary, if no contested case has been filed against the licensee, the agency shall submit a copy of the settlement agreement signed by all of the parties within fifteen days after signature to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee. Any person who is directly harmed by the specific conduct for which the discipline is sought may submit a written impact statement to the administrative hearing commission for consideration in connection with the commission's review of the settlement agreement.]

[190.175. 1. Each ambulance service licensee or emergency medical response agency licensee shall maintain accurate records, which contain information concerning the care and, if applicable, the transportation of each patient.

2. Records will be retained by the ambulance service licensees and emergency medical response agency licensees for five years, readily available for inspection by the department, notwithstanding transfer, sale or discontinuance of the ambulance services or business.

3. A patient care report, approved by the department, shall be completed for each ambulance run on which are entered

pertinent remarks by the emergency medical technician, registered nurse or physician and such other items as specified by rules promulgated by the department.

4. A written or electronic patient care document shall be completed and given to the ambulance service personnel by the health care facility when a patient is transferred between health care facilities. Such patient care record shall contain such information pertinent to the continued care of the patient as well as the health and safety of the ambulance service personnel during the transport. Nothing in this section shall be construed as to limit the reporting requirements established in federal law relating to the transfer of patients between health care facilities.

5. Such records shall be available for inspection by the department at any reasonable time during business hours.]

[190.185. The department shall adopt, amend, promulgate, and enforce such rules, regulations and standards with respect to the provisions of this chapter as may be designed to further the accomplishment of the purpose of this law in promoting state-of-the-art emergency medical services in the interest of public health, safety and welfare. When promulgating such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services. Any rule or portion of a rule promulgated pursuant to the authority of sections 190.001 to 190.245 or sections 190.525 to 190.537 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.]

[190.196. 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as a first responder, emergency medical dispatcher, emergency medical technician-basic, emergency medical technician-paramedic, registered nurse or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

(1) Child abuse or sexual abuse of a child;

(2) Crimes of violence; or

(3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.]

[190.246. 1. As used in this section, the following terms shall mean:

(1) "Eligible person, firm, organization or other entity", an ambulance service or emergency medical response agency, a certified first responder, emergency medical technician-basic or emergency medical technician-paramedic who is employed by, or an enrolled member, person, firm, organization or entity designated by, rule of the department of health and senior services in consultation with other appropriate agencies. All such eligible persons, firms, organizations or other entities shall be subject to the rules promulgated by the director of the department of health and senior services;

(2) "Emergency health care provider":

(a) A physician licensed pursuant to chapter 334, RSMo, with knowledge and experience in the delivery of emergency care; or

(b) A hospital licensed pursuant to chapter 197, RSMo, that provides emergency care.

2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device unless such person has successfully completed a training course in the use of epinephrine auto-injector devices approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider.

3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

4. Any person, firm, organization or entity that violates the provisions of this section is guilty of a class B misdemeanor.]

[190.248. 1. All investigations conducted in response to allegations of violations of sections 190.001 to 190.245 shall be completed within six months of receipt of the allegation.

2. In the course of an investigation the department shall have access to all records directly related to the alleged violations from persons or entities licensed pursuant to this chapter or chapter 197 or 198, RSMo.

3. Any department investigations that involve other administrative or law enforcement agencies shall be completed within six months of notification and final determination by such administrative or law enforcement agencies.]

[190.250. 1. As used in this section, the following terms mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

(3) "Patient", any person to whom an ambulance service delivers treatment, care, or transportation for sickness or injury caused by a tort-feasor from whom such person seeks damages or any insurance carrier which has insured such tort-feasor.

2. Ambulance services shall have the same rights granted to hospitals in sections 430.230 to 430.250, RSMo.

3. If the liens of such ambulance services or hospitals exceed fifty percent of the amount due the patient, every ambulance service or hospital giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net proceeds due the patient, in the proportion that each claim bears to the total amount of all other liens of ambulance services or hospitals. "Net proceeds", as used in this section, means the amount remaining after the payment of contractual attorney fees, if any, and other expenses of recovery.

4. In administering the lien of the ambulance service, the insurance carrier may pay the amount due secured by the lien of the ambulance service directly, if the claimant authorizes it and does not challenge the amount of the customary charges or that the treatment provided was for injuries caused by the tort-feasor.

5. Any ambulance service electing to receive benefits hereunder releases the claimant from further liability on the cost of the services and treatment provided to that point in time.]

[191.630. As used in sections 191.630 and 191.631, the following terms mean:

(1) "Care provider", a person who is employed as an emergency medical care provider, firefighter, or police officer;

(2) "Contagious or infectious disease", hepatitis in any form and any other communicable disease as defined in section 192.800, RSMo, except AIDS or HIV infection as defined in section 191.650, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, in accordance with guidelines of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(3) "Department", the Missouri department of health and senior services;

(4) "Emergency medical care provider", a licensed or certified person trained to provide emergency and nonemergency medical care as a first responder, EMT-B, or EMT-P as defined in section 190.100, RSMo, or other certification or licensure levels adopted by rule of the department;

(5) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties;

(6) "HIV", the same meaning as defined in section 191.650;

(7) "Hospital", the same meaning as defined in section 197.020, RSMo.]

[190.525. As used in sections 190.525 to 190.537, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Director", the director of the department of health and senior services or the director's duly authorized representative;

(3) "Passenger", an individual needing transportation in a supine position who does not require medical monitoring, observation, aid, care or treatment during transportation, with the exception of self-administered oxygen as ordered by a physician during transportation;

(4) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, and who may require medical monitoring, medical observation, aid, care or treatment during transportation, with the exception of self-administered oxygen as ordered by a physician;

(5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

(6) "Stretcher van", any vehicle other than an ambulance designed and equipped to transport passengers in a supine position. No such vehicle shall be used to provide medical services;

(7) "Stretcher van service", any person or agency that provides stretcher van transportation to passengers who are confined to stretchers and whose conditions are such that they do not need and are not likely to need medical attention during transportation.]

[190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of passengers by stretcher van upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for a stretcher van service issued pursuant to the provisions of sections 190.525 to 190.537 notwithstanding any provisions of chapter 390 or 622, RSMo, to the contrary.

2. Subsection 1 of this section shall not preclude any political subdivision that is authorized to operate a licensed ambulance service from adopting any law, ordinance or regulation governing the operation of stretcher vans that is at least as strict as the minimum state standards, and no such regulations or ordinances shall prohibit stretcher van services that were legally picking up passengers within a political subdivision prior to January 1, 2002, from continuing to operate within that political subdivision and no political subdivision which did not regulate or prohibit stretcher van services as of January 1, 2002, shall implement unreasonable regulations or ordinances to prevent the establishment and operation of such services.

3. In any county with a charter form of government and with more than one million inhabitants, the governing body of the county shall set reasonable standards for all stretcher van services which shall comply with subsection 2 of this section. All such stretcher van services must be licensed by the department. The governing body of such county shall not prohibit a licensed stretcher van service from operating in the county, as long as the stretcher van service meets county standards.

4. Nothing shall preclude the enforcement of any laws, ordinances or regulations of any political subdivision authorized to operate a licensed ambulance service that were in effect prior to August 28, 2001.

5. Stretcher van services may transport passengers.

6. A stretcher van shall be staffed by at least two individuals when transporting passengers.

7. The crew of the stretcher van is required to immediately contact the appropriate ground ambulance service if a passenger's condition deteriorates.

8. Stretcher van services shall not transport patients, persons currently admitted to a hospital or persons being transported to a hospital for admission or emergency treatment.

9. The department of health and senior services shall promulgate regulations, including but not limited to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance, vehicle specifications, vehicle communications, passenger safety and records and reports.

10. The department of health and senior services shall issue service licenses for a period of no more than five years for each service meeting the established rules.

11. Application for a stretcher van license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.525 to 190.537. The application form shall contain such information as the department deems necessary to make a determination as to whether the stretcher van agency meets all the requirements

of sections 190.525 to 190.537 and rules promulgated pursuant to sections 190.525 to 190.537. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure standards of sections 190.525 to 190.537.

12. Upon the sale or transfer of any stretcher van service ownership, the owner of the stretcher van service shall notify the department of the change in ownership within thirty days prior to the sale or transfer. The department shall conduct an inspection of the stretcher van service to verify compliance with the licensure standards of sections 190.525 to 190.537.

13. Ambulance services licensed pursuant to this chapter or any rules promulgated by the department of health and senior services pursuant to this chapter may provide stretcher van and wheelchair transportation services pursuant to sections 190.525 to 190.537.

14. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.]

[190.531. 1. The department may refuse to issue or deny renewal of any license required pursuant to sections 190.525 to 190.537 for failure to comply with the provisions of sections 190.525 to 190.537 or any lawful regulations promulgated by the department to implement the provisions of sections 190.525 to 190.537. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 190.525 to 190.537 or any person who has failed to renew or has surrendered his or her license for failure to comply with the provisions of sections 190.525 to 190.537 or any lawful regulations promulgated by the department to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 190.525 to 190.537;

(2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 190.525 to 190.537, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 190.525 to 190.537 or in obtaining permission to take any examination given or required pursuant to sections 190.537 to 190.540;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 190.525 to 190.537;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 190.525 to 190.537, or of any lawful rule or regulation adopted by the department pursuant to sections 190.525 to 190.537;

- (7) Impersonation of any person holding a license or allowing any person to use his or her license;
- (8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 190.525 to 190.537 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) For an individual, being finally adjudged insane or incompetent by a court of competent jurisdiction;
- (10) Issuance of a license based upon a material mistake of fact;
- (11) Violation of any professional trust or confidence;
- (12) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
- (13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;
- (14) Refusal of any applicant or licensee to cooperate with the department of health and senior services during any investigation;
- (15) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public;
- (16) Repeated negligence in the performance of the functions or duties of any activity licensed by this chapter.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, as provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.525 to 190.537 relative to the licensing of an applicant for the first time.

5. The department may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

6. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections 190.525 to 190.537 and who does so in good faith and without negligence shall not be subject to an action for civil damages as a result thereof.

7. The department of health and senior services may suspend any license required pursuant to sections 190.525 to 190.537 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license to the department. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.]

[190.534. 1. Any person violating, or failing to comply with, the provisions of sections 190.525 to 190.537 is guilty of a class B misdemeanor.

2. Each day that any violation of, or failure to comply with, sections 190.525 to 190.537 is committed or permitted to continue shall constitute a separate and distinct offense, and shall be punishable as a separate offense pursuant to this section; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections 190.525 to 190.537, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating in violation of sections 190.525 to 190.537.]

[190.537. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created pursuant to the authority of sections 190.525 to 190.537 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.]

[191.631. 1. (1) Notwithstanding any other law to the contrary, if a care provider sustains an exposure from a person while rendering emergency health care services, the person to whom the care provider was exposed is deemed to consent to a test to determine if the person has a contagious or infectious disease and is deemed to consent to notification of the care provider of the results of the test, upon submission of an exposure report by the care provider to the hospital where the person is delivered by the care provider.

(2) The hospital where the person is delivered shall conduct the test. The sample and test results shall only be identified by a number and shall not otherwise identify the person tested.

(3) A hospital shall have written policies and procedures for notification of a care provider pursuant to this section. The policies and procedures shall include designation of a representative of the care provider to whom notification shall be provided and who shall, in turn, notify the care provider. The identity of the designated representative of the care provider shall not be disclosed to the person tested. The designated representative shall inform the hospital of those parties who receive the notification, and following receipt of such information and upon request of the person tested, the hospital shall inform the person of the parties to whom notification was provided.

2. If a person tested is diagnosed or confirmed as having a contagious or infectious disease pursuant to this section, the hospital shall notify the care provider or the designated representative of the care provider who shall then notify the care provider.

3. The notification to the care provider shall advise the care provider of possible exposure to a particular contagious or infectious disease and recommend that the care provider seek medical attention. The notification shall be provided as soon as is reasonably possible following determination that the individual has a contagious or infectious disease. The notification shall not include the name of the person tested for the contagious or infectious disease unless the person consents. If the care provider who sustained an exposure determines the identity of the person diagnosed or confirmed as having a contagious or infectious disease, the identity of the person shall be confidential information and shall not be disclosed by the care provider to any other individual unless a specific written release obtained by the person diagnosed with or confirmed as having a contagious or infectious disease.

4. This section does not require or permit, unless otherwise provided, a hospital to administer a test for the express purpose of determining the presence of a contagious or infectious disease; except that testing may be performed if the person consents and if the requirements of this section are satisfied.

5. This section does not preclude a hospital from providing notification to a care provider under circumstances in which the hospital's policy provides for notification of the hospital's own employees of exposure to a contagious or infectious disease that is not life-threatening if the notice does not reveal a patient's name, unless the patient consents.

6. A hospital participating in good faith in complying with the provisions of this section is immune from any liability, civil or criminal, which may otherwise be incurred or imposed.

7. A hospital's duty of notification pursuant to this section is not continuing but is limited to diagnosis of a contagious or infectious disease made in the course of admission, care, and treatment following the rendering of health care services to which notification pursuant to this section applies.

8. A hospital that performs a test in compliance with this section or that fails to perform a test authorized pursuant to this section is immune from any liability, civil or criminal, which may otherwise be incurred or imposed.

9. A hospital has no duty to perform the test authorized.

10. The department shall adopt rules to implement this section. The department may determine by rule the contagious or infectious diseases for which testing is reasonable and appropriate and which may be administered pursuant to this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

11. The employer of a care provider who sustained an exposure pursuant to this section shall pay the costs of testing for the person who is the source of the exposure and of the testing of the care provider if the exposure was sustained during the course of employment.]

[321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least two years before the election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than two years before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.]

[321.554. 1. When the revenue from the ambulance or fire protection district sales tax is collected for distribution pursuant to section 321.552, the board of the ambulance or fire protection district, after determining its budget for the year pursuant to section 67.010, RSMo, and the rate of levy needed to produce the required revenue and after making any other adjustments to the levy that may be required by any other law, shall reduce the total operating levy of the district in an amount sufficient to decrease the revenue it would have received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax receipts. Loss of revenue, due to a decrease in the assessed valuation of real property located within the ambulance or fire protection district as a result of general reassessment, and from state-assessed railroad and utility distributable property based upon the previous fiscal year's receipts shall be considered in lowering the rate of levy to comply with this section in the year of general reassessment and in each subsequent year. In the event that in the immediately preceding year the ambulance or fire protection district actually received more or less sales tax revenue than estimated, the ambulance or fire protection district board may adjust its operating levy for the current year to reflect such increase or decrease. The director of revenue shall certify the amount payable from the ambulance or fire protection district sales tax trust fund to the general revenue fund to the state treasurer.

2. Except that, in the first year in which any sales tax is collected pursuant to section 321.552, the collector shall not reduce the tax rate as defined in section 137.073, RSMo.

3. In a year of general reassessment, as defined by section 137.073, RSMo, or assessment maintenance as defined by section 137.115, RSMo, in which an ambulance or fire protection district in reliance upon the information then available to it relating to the total assessed valuation of such ambulance or fire protection district revises its property tax levy pursuant to section 137.073 or 137.115, RSMo, and it is subsequently determined by decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of assessed valuations that the assessed valuation of such ambulance or fire protection district has been changed, and but for such change the ambulance or fire protection district would have adopted a different levy on the date of its original action, then the ambulance or fire protection district may adjust its levy to an amount to reflect such change in assessed valuation, including, if necessary, a change in the levy reduction required by this section to the amount it would have levied had the correct assessed valuation been known to it on the date of its original action, provided:

- (1) The ambulance or fire protection district first levies the maximum levy allowed without a vote of the people by article X, section 11(b) of the constitution; and
- (2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise authorized by other laws of this state; and
- (3) The levy adjustment or reduction may include a one-time correction to recoup lost revenues the ambulance or fire protection district was entitled to receive during the prior year.]

[321.556. 1. The governing body of any ambulance or fire protection district, when presented with a petition signed by at least twenty percent of the registered voters in the ambulance or fire protection district that voted in the last gubernatorial election, calling for an election to repeal the tax pursuant to section 321.552, shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

"Shall (insert name of ambulance or fire protection district) repeal the (insert amount up to one-half) of one percent sales tax now in effect in the (insert name of ambulance or fire protection district) and reestablish the property tax levy in the district to the rate in existence prior to the enactment of the sales tax?

[] Yes [] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

2. If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved.]; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 14, Section 67.2000, Line 2 of said page, by inserting after "inhabitants," the following: "**or any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants**,".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 32, Section 137.721, Lines 4-5 of said page, by striking the following: "continue to".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Pages 30-32, Section 135.720, by striking said section from the bill; and inserting in lieu thereof the following:

"137.720. **1.** A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. For counties of the first classification and counties with a charter form of government, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund, an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, county governing body and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

4. Four years following the effective date, the state tax commission shall conduct a study to determine the impact of increased fees on assessed valuation.

5. Any increase to the portion of property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission certifies an equivalent sales ratio for the county of less than or equal to thirty-one and two-thirds percent pursuant to the provisions of section 138.395, RSMo.

6. The provisions of subsections 2, 4, and 5 of this section shall expire on December 31, 2009."; and

Further amend said bill, Pages 31 and 32, Section 137.721, by striking said section from the bill; and

Further amend said bill, Pages 32 and 33, Section 137.723, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 24, Section 67.2000, Line 17 of said page, by inserting after all of said line the following:

"67.2500. 1. The governing body of any city, town or village that is within a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand, may establish a theater, cultural arts and entertainment district in the manner provided in this section.

2. Sections 67.2500 to 67.2530 shall be know as the "Theater, Cultural Arts and Entertainment District Act".

3. As used in sections 67.2500 to 67.2530, the following terms mean:

(1) "District" a theater, cultural arts and entertainment district organized under this section;

(2) "Qualified electors", "qualified voters" or "voters", registered voters residing within the district or subdistrict, or proposed district or subdistrict, who have registered to vote pursuant to chapter 115, RSMo, or, if there are no persons eligible to be registered voters residing in the district or subdistrict, proposed district or subdistrict, property owners, including corporations and other entities, that are owners of real property;

(3) "Registered voters", persons qualified and registered to vote pursuant to chapter 115, RSMo; and

(4) "Subdistrict" a subdivision of a district, but not a separate political subdivision, created for the purposes specified in subsection 5 of section 67.2505;

67.2505. 1. A district may be created to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities in the district.

2. A district is a political subdivision of the state.

3. The name of a district shall consist of a name chosen by the original petitioners, preceding the words "theater, cultural arts and entertainment district".

4. The district shall include a minimum of fifty contiguous acres.

5. Subdistricts provided for herein shall not be a separate political subdivisions of the state. Subdistricts shall be formed for the purpose of voting upon proposals for the creation of the district or subsequent proposed subdistrict, voting upon the question of imposing a proposed sales tax, and for representation on the board of directors, and for no other purpose.

6. Whenever the creation of a district is desired, one or more registered voters from each subdistrict of the proposed district, or one or more property owners who collectively own one or more parcels of real estate comprising at least a majority of the land situated in the proposed subdistricts within the proposed district, may file a petition requesting the creation of a district with the governing body of the city, town or village within which the proposed district is to be established. The petition shall contain the following information:

(1) The name, address, and phone number of each petitioner and the location of the real property owned by the petitioner;

(2) The name of the proposed district;

(3) A legal description of the proposed district, including a map illustrating the district boundaries, which shall be contiguous, and the division of the district into at least five, but not more than fifteen, subdistricts that shall contain, or are projected to contain upon full development of the subdistricts, approximately equal populations;

(4) A statement indicating the number of directors to serve on the board, which shall be not less than five or more than fifteen;

(5) A request that the district be established;

(6) A general description of the activities that are planned for the district;

(7) A proposal for a sales tax to fund the district initially, pursuant to the authority granted in sections 67.2500 to 67.2530, together with a request that the imposition of the sales tax be submitted to the qualified voters within the district;

(8) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;

(9) A request that the question of the establishment of the district be submitted to the qualified voters of the district;

(10) A signed statement that the petitioners are authorized to submit the petition to the governing body; and

(11) Any other items the petitioners deem appropriate.

7. Upon the filing of a petition pursuant to this section, the governing body of any city, town or village described in this section may pass a resolution containing the following information:

(1) A description of the boundaries of the proposed district and each subdistrict;

(2) The time and place of a hearing to be held to consider establishment of the proposed district;

(3) The timeframe and manner for the filing of protests;

(4) The proposed sales tax rate to be voted upon within the subdistricts of the proposed district;

(5) The proposed uses for the revenue to be generated by the new sales tax; and

(6) Such other matters as the governing body may deem appropriate.

8. Prior to the governing body certifying the question of the district's creation and imposition of a sales tax for approval by the qualified electors, a hearing shall be held as provided by this subsection. The governing body of the municipality approving a resolution as set forth in section 67.2520 of this section shall:

(1) Publish notice of the hearing, which shall include the information contained in the resolution cited in section 67.2520, on two separate occasions in at least one newspaper of general circulation in the county where the proposed district is located, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing;

(2) Hear all protests and receive evidence for or against the establishment of the proposed district; and

(3) Consider all protests, which determinations shall be final.

The costs of printing and publication of the notice shall be paid by the petitioners. If the district is organized

pursuant to sections 67.2500 to 67.2530, the petitioners may be reimbursed for such costs out of the revenues received by the district.

9. Following the hearing, the governing body of any city, town or village within which the proposed district will be located may order an election on the questions of the district creation and sales tax funding for voter approval and certify the questions to the municipal clerk. The election order shall include the date on which the ballots will be mailed to qualified electors, which shall be not sooner than the eighth Tuesday from the issuance of the order. The election regarding the incorporation of the district and the imposition of the sales tax shall follow the procedure set forth in section 67.2520, and shall be held pursuant to the order and certification by the governing body. Only those subdistricts approving the question of creating the district and imposition of the sales tax shall become part of the district.

10. If the results of the election conducted in accordance with section 67.2520 show that a majority of the votes cast were in favor of organizing the district and imposing the sales tax, the governing body may establish the proposed district in those subdistricts approving the question of creating the district and imposition the sales tax, by adopting an ordinance to that effect. The ordinance establishing the district shall contain the following:

- (1) The description of the boundaries of the district and each subdistrict;
- (2) A statement that a theater, cultural arts and entertainment district has been established;
- (3) A declaration that the district is a political subdivision of the state;
- (4) The name of the district;
- (5) The date on which the sales tax election in the subdistricts was held, and the result of the election;
- (6) The uses for any revenue generated by a sales tax imposed pursuant to this section;
- (7) A certification to the newly created district of the election results, including the election concerning the sales tax; and
- (8) Such other matters as the governing body deems appropriate.

11. Any subdistrict that does not approve the creation of the district and imposition of the sales tax shall not be a part of the district and the sales tax shall not be imposed until after the district board of directors has submitted another proposal for the inclusion of the area into the district and such proposal and the sales tax proposal are approved by a majority of the qualified voters in the subdistrict voting thereon. Such subsequent elections shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the inclusion of a subdistrict within a district and the question of imposition of a sales tax before the voters of a proposed subdistrict, and the municipal clerk, or circuit clerk if the district is formed by the circuit court shall conduct the election. In subsequent elections the election judges shall certify the election results to the district board of directors.

67.2510. As a complete alternative to the procedure establishing a district set forth in section 67.2505, a circuit court with jurisdiction over any city, town or village that is within a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand, may establish a theater, cultural arts and entertainment district in the manner provided in this section.

67.2515. 1. Whenever the creation of a theater, cultural arts and entertainment district is desired, one or more registered voters from each subdistrict of the proposed district, or if there are no registered voters in a subdistrict, one or more property owners who collectively own one or more parcels of real estate comprising at least a majority of the land situated in the proposed subdistricts within the proposed district, may file a petition with the circuit court requesting the creation of a theater, cultural arts and entertainment district. The petition

shall contain the following information:

- (1) The name, address, and phone number of each petitioner and the location of the real property owned by the petitioner;
- (2) The name of the proposed district;
- (3) A legal description of the proposed district, including a map illustrating the district boundaries, which shall be contiguous, and the division of the district into at least five, but not more than fifteen, subdistricts that shall contain, or are projected to contain upon full development of the subdistricts, approximately equal populations;
- (4) A statement indicating the number of directors to serve on the board, which shall be not less than five or more than fifteen;
- (5) A request that the district be established;
- (6) A general description of the activities that are planned for the district;
- (7) A proposal for a sales tax to fund the district initially, pursuant to the authority granted in sections 67.2500 to 67.2530, together with a request that the imposition of the sales tax be submitted to the qualified voters within the district;
- (8) A statement that the proposed district shall not be an undue burden on any owner of property within the district and is not unjust or unreasonable;
- (9) A request that the question of the establishment of the district be submitted to the qualified voters of the district;
- (10) A signed statement that the petitioners are authorized to submit the petition to the circuit court; and
- (11) Any other items the petitioners deem appropriate.

2. The circuit clerk of the county in which the petition is filed pursuant to this section shall present the petition to the judge, who shall thereupon set the petition for hearing not less than thirty days nor more than forty days after the filing. The judge shall cause publication of the notice of the hearing on two separate occasions in at least one newspaper of general circulation in the county where the proposed district is located, with the first publication to occur not more than thirty days before the hearing, and the second publication to occur not more than fifteen days or less than ten days before the hearing. The notice shall recite the following information:

- (1) A description of the boundaries of the proposed district and each subdistrict;
- (2) The time and place of a hearing to be held to consider establishment of the proposed district;
- (3) The timeframe and manner for the filing of the petitions or answers in the case;
- (4) The proposed sales tax rate to be voted on within the subdistricts of the proposed district;
- (5) The proposed uses for the revenue generated by the new sales tax; and
- (6) Such other matters as the circuit court may deem appropriate.

The costs of printing and publication of the notice shall be paid by the petitioners. If the district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be reimbursed for such costs out of the revenues received by the district.

3. Any registered voter or owner of real property within the proposed district may join in or file a petition supporting or answer opposing the creation of the district and seeking a judgment respecting these same issues; provided, however, that all pleadings must be filed with the court no later than five days before the case is heard.

4. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall enter its judgment to that effect and shall refuse to incorporate the district as requested in the pleadings. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall order an election on the questions of the district creation and sales tax funding for voter approval and certify the questions to the circuit clerk. The election order shall include the date on which the ballots will be mailed to qualified electors, which shall be not sooner than the eighth Tuesday from the issuance of the order. The election regarding the incorporation of the district and the imposition of the sales tax shall follow the procedure set forth in section 67.2520, and shall be held pursuant to the order and certification by the circuit judge. Only those subdistricts approving the question of creating the district and imposition the sales tax shall become part of the district.

5. If the results of the election conducted in accordance with section 67.2520 show that a majority of the votes cast were in favor of organizing the district and imposing the sales tax, the circuit judge shall establish the proposed district in those subdistricts approving the question of creating the district and imposition the sales tax, by issuing an order to that effect. The court shall determine and declare the district organized and incorporated and issue an order that includes the following:

- (1) The description of the boundaries of the district and each subdistrict;**
- (2) A statement that a theater, cultural arts and entertainment district has been established;**
- (3) A declaration that the district is a political subdivision of the state;**
- (4) The name of the district;**
- (5) The date on which the sales tax election in the subdistricts was held, and the result of the election;**
- (6) The uses for any revenue generated by a sales tax imposed pursuant to this section;**
- (7) A certification to the newly created district of the election results, including the election concerning the sales tax; and**
- (8) Such other matters as the circuit court deems appropriate.**

6. Any subdistrict that does not approve the creation of the district and imposition of the sales tax, shall not be a part of the district and the sales tax shall not be imposed until after the district board of directors has submitted another proposal for the inclusion of the area into the district and such proposal and the sales tax proposal are approved by a majority of the qualified voters in the subdistrict voting thereon. Such subsequent elections shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the inclusion of a subdistrict within a district and the question of imposition of a sales tax in the proposed subdistrict before the voters of a proposed subdistrict, and the circuit clerk shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

8. Any party having filed a petition or answer to a petition may appeal the circuit court's order or judgment in the same manner as provided for other appeals. Any order either refusing to incorporate the district or incorporating the district shall be a final judgment for purposes of appeal.

67.2520. 1. If a governing body, or circuit court judge, has certified the question regarding the district creation and sales tax funding for voter approval, the municipal clerk in which the district is located, or the circuit clerk

if the order and certification has been by a circuit judge, shall conduct the election. The questions shall be submitted to the qualified voters of each subdistrict within the district boundaries who have filed an application pursuant to subsection c of this section. The municipal clerk, or the circuit clerk if the district is being formed by the circuit court, shall publish notice of the election in at least one newspaper of general circulation in the county where the proposed district is located, with the publication to occur not more than fifteen days but not less than ten days before the date when applications for ballots will be accepted. The notice shall include a description of the district boundaries, the timeframe and manner of applying for a ballot, the questions to be voted upon, and where and when applications for ballots will be accepted. The municipal clerk, or circuit clerk if the district is being formed by the circuit court, shall also send a notice of the election to all registered voters in the proposed district, which shall include the information in the published notice. The costs of printing and publication of the notice, and mailing of the notices to registered voters, shall be paid by the petitioners. If the district is organized pursuant to sections 67.2500 to 67.2530, the petitioners may be reimbursed for such costs out of the revenues received by the district.

2. For elections held in subdistricts pursuant to this section, if all the owners of property in a subdistrict joined in the petition for formation of the district, such owners may cast their ballot by unanimous petition approving any measure submitted to them as subdistrict voters pursuant to this section. Each owner shall receive one vote per acre owned. Fractional votes shall be allowed. The petition shall be submitted to the municipal clerk, or the circuit court clerk if the district is being formed by the circuit court, who shall verify the authenticity of all signatures thereon. The filing of a unanimous petition shall constitute an election in the subdistrict under this section and the results of said election shall be entered pursuant to this section.

3. The sales tax shall be not more than one-half of one percent on all retail sales within the district, which are subject to taxation pursuant to subsection 12 of this section, to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series and related or similar entertainment events or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities in the district.

4. Application for a ballot shall be made as provided in this subsection:

(1) Persons entitled to apply for a ballot in an election shall be:

(a) A resident registered voter of the district; or

(b) If there are no registered voters in a subdistrict, a person, including a corporation or other entity, which owns real property within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. Each property owner shall receive one vote.

(2) Only persons entitled to apply for a ballot in elections pursuant to this subdivision shall apply. Such persons shall apply with the municipal clerk, or the circuit clerk if the district is formed by the circuit court. Each person applying shall provide:

(a) Such person's name, address, mailing address, and phone number;

(b) An authorized signature; and

(c) Evidence that such person is entitled to vote. Such evidence shall be a copy of:

a. For resident individuals, proof of registration from the election authority;

b. For owners of real property, a tax receipt or deed or other document which evidences an equitable ownership, and identifies the real property by location;

(3) Applications for ballot applications shall be made not later than the fourth Tuesday before the ballots are mailed to qualified electors. The ballot of submission shall be in substantially the following form:

"Shall there be organized in (here specifically describe the proposed district boundaries), within the state of Missouri, a district, to be known as the "..... Theater, Cultural Arts and Entertainment District' for the purpose of funding, promoting and providing educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and funding, promoting, planning, designing, constructing, improving, maintaining, and operating public improvements, transportation projects, and related facilities in the district?

YES [] NO []

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

Shall the (name of district) impose a sales tax of (insert rate) to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and to fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities in the district?

YES [] NO []

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(4) Not sooner than the fourth Tuesday after the deadline for applying for ballots, the municipal clerk, or the circuit clerk if the district is being formed by the circuit court, shall mail a ballot to each qualified voter who applied for a ballot pursuant to this subsection along with a return addressed envelope directed to the municipal clerk or the circuit clerk's office, with a sworn affidavit on the reverse side of such envelope for the voter's signature. Such affidavit shall be in the following form:

"I hereby declare under penalties of perjury that I am qualified to vote, or to affix my authorized signature in the name of an entity which is entitled to vote, in this election.

Subscribed and sworn to before me this day of, 20.....

Authorized Signature

Printed Name of Voter Signature of notary or other officer authorized to administer oaths.

..... Mailing Address of Voter (if different)

Subscribed and sworn to before me this day of....., 20..

Signature of notary or other officer authorized to administer oaths

Mailing Address of Voter (if different)"

(5) Each qualified voter shall have one vote, except as provided for in section 67.2520. Each voted ballot shall be signed with the authorized signature as provided for in this subsection.

(6) Voted ballots shall be returned to the municipal clerk, or the clerk of the circuit court if the district is being formed by the circuit court, by mail or hand delivery no later than 5:00 p.m. on the fourth Tuesday after the date for mailing the ballots. The municipal clerk, or circuit clerk if the district is being formed by the circuit court, shall transmit all voted ballots to a team of judges of not less than four, with an equal number from each

of the two major political parties. The judges shall be selected by the city, town or village, or the circuit clerk, from lists compiled by the county election authority. Upon receipt of the voted ballots the judges shall verify the authenticity of the ballots, canvass the votes, and certify the results. Certification by the election judges shall be final and shall be immediately transmitted to the governing body of the city, town or village for further action pursuant to subsection 5 (e), or the circuit judge for further action pursuant to subsection 6 (f) if the district is being formed by the circuit court. Any voter who applied for such election may contest the result in the same manner as provided in chapter 115, RSMo.

67.2525. 1. Each member of the board of directors shall have the following qualifications:

(1) As to those subdistricts in which there are registered voters, a resident registered voter in the subdistrict that he represents, or be a property owner or, as to those subdistricts in which there are not registered voters who are residents, a property owner or representative of a property owner in the subdistrict he or she represents.

(2) Be at least twenty-one years of age and a registered voter in the district shall be subdivided into at least five, but not more than fifteen subdistricts, which shall be represented by one representative on the district board of directors. All board members shall have terms of four years, including the initial board of directors. All members shall take office upon being appointed and shall remain in office until a successor is appointed by the mayor or chairman of the municipality in which the district is located, or elected by the property owners in those subdistricts without registered voters.

(3) For those subdistricts which contain one or more registered voters, the mayor or chairman of the city, town or village shall, with the consent of the governing body, appoint a registered voter residing in the subdistrict to the board of directors.

(4) For those subdistricts which contain no registered voters, the property owners who collectively own one or more parcels of real estate comprising more than half of the land situated in each subdistrict shall meet and shall elect a representative to serve upon the board of directors. The clerk of the city, town or village in which the petition was filed, shall, unless waived in writing by all property owners in the subdistrict, give notice by causing publication to be made once a week for two consecutive weeks in a newspaper of general circulation in the county, the last publication of which shall be at least ten days before the day of the meeting required by this section, to call a meeting of the owners of real property within the subdistrict at a day and hour specified in a public place in the city, town or village in which the petition was filed for the purpose of electing members of the board of directors. The property owners, when assembled, shall organize by the election of a temporary chairman and secretary of the meeting who shall conduct the election. An election shall be conducted for each subdistrict, with the eligible property owners voting in that subdistrict. At the election, each acre of real property within the subdistrict shall represent one share, and each owner, including corporations and other entities, may have one vote in person or for every acre of real property owned by such person within the subdistrict. Each voter which is not an individual shall determine how to cast its vote as provided for in its articles of incorporation, articles of organization, articles of partnership, bylaws, or other document which sets forth an appropriate mechanism for the determination of the entity's vote. If a voter has no such mechanism, then its vote shall be cast as determined by a majority of the persons who run the day-to-day affairs of the voter. The results of the meeting shall be certified by the temporary chairman and secretary to the municipal clerk if the district is established by a municipality described in this section, or to the circuit clerk if the district is established by a circuit court.

2. Successor boards shall be appointed or elected, depending upon the presence or absence of resident registered voters, by the mayor or chairman of a city, town or village described in this section, or the property owners as set forth above; provided, however, that elections held by the property owners after the initial board is elected shall be certified to the municipal clerk of the city, town or village where the district is located and the board of directors of the district.

3. Should a vacancy occur on the board of directors, the mayor or chairman of the city, town or village if there

are registered voters within the subdistrict, or a majority of the owners of real property in a subdistrict if there are not registered voters in the subdistrict, shall have the authority to appoint or elect, as set forth in this section, an interim director to complete any unexpired term of a director caused by resignation or disqualification.

4. The board shall possess and exercise all of the district's legislative and executive powers, including:

- (1) The power to fund, promote and provide educational, civic, musical, theatrical, cultural, concerts, lecture series, and related or similar entertainment events or activities, and fund, promote, plan, design, construct, improve, maintain, and operate public improvements, transportation projects, and related facilities within the district;**
- (2) The power to accept and disburse tax or other revenue collected in district; and**
- (3) The power to receive property by gift or otherwise.**

Within thirty days after the selection of the initial directors, the board shall meet. At its first meeting and annually thereafter the board shall elect a chairman from its members.

5. The board shall appoint an executive director, district secretary, treasurer and such other officers or employees as it deems necessary.

6. At the first meeting, the board, by resolution, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal.

7. A simple majority of the board shall constitute a quorum. If a quorum exists, a majority of those voting shall have the authority to act in the name of the board, and approve any board resolution.

8. At the first meeting, the board, by resolution, shall receive the certification of the election regarding the sales tax, and may impose the sales tax in all subdistricts approving the imposition of the sales tax. In those subdistricts that approve the sales tax the sales tax shall become effective on the first day of the first calendar quarter immediately following the action by the district board of directors imposing the tax.

9. Each director shall devote such time to the duties of the office as the faithful discharge thereof may require and may be reimbursed for his actual expenditures in the performance of his duties on behalf of the district. Directors may be compensated, but such compensation shall not exceed one hundred dollars per month.

10. In addition to all other powers granted by sections 67.2500 to 67.2530, the district shall have the following general powers:

- (1) To sue and be sued in its own name, and to receive service of process, which shall be served upon the district secretary;**
- (2) To fix compensation of its employees and contractors.**
- (3) To enter into contracts, franchises, and agreements with any person or entity, public or private, affecting the affairs of the district, including contracts with any municipality, district, or state, or the United States, and any of their agencies, political subdivisions, or instrumentalities, for the funding, including without limitation interest rate exchange or swap agreements, planning, development, construction, acquisition, E maintenance, or operation of a district facility or to assist in such activity;**
- (4) To acquire, develop, construct, equip, transfer, donate, lease, exchange, mortgage, and encumber real and personal property in furtherance of district purposes;**
- (5) To collect and disburse funds for its activities;**

(6) To collect taxes and other revenues:

a. To borrow money and incur indebtedness and evidence the same by certificates, notes, bonds, debentures or refunding of any such obligations for the purpose of paying all or any part of the cost of land, construction, development or equipping of any facilities or operations of the district;

b. To own or lease real or personal property for use in connection with the exercise of powers hereunder;

(i) To provide for the election or appointment of officers, including a chairman, treasurer and secretary. Officers shall not be required to be residents of the district, and one officer may hold more than one office;

(j) To hire and retain agents, employees, engineers, and attorneys;

(k) To enter into entertainment contracts binding the district and artists, agencies, or performers, management contracts, contracts relating to the booking of entertainment and the sale of tickets, and all other contracts which relate to the purposes of the district;

(l) To contract with a local government, a corporation, partnership or individual regarding funding, promotion, planning, designing, constructing, improving, maintaining, or operating a project or to assist in such activity;

(m) To contract for transfer to a city, town, or village such district facilities and improvements free of cost or encumbrance on such terms set forth by contract.

(n) To exercise such other powers necessary or convenient for the district to accomplish its purposes which are not inconsistent with its express powers.

11. (a) A district may at any time authorize or issue notes, bonds or other obligations for any of its powers or purposes. Such notes, bonds or other obligations:

a. Shall be in such amounts as deemed necessary by the district, including costs of issuance thereof;

b. Shall be payable out of all or any portion of the revenues or other assets of the district;

c. May be secured by any property of the district which may be pledged, assigned, mortgaged or otherwise encumbered for payment;

d. Shall be authorized by resolution of the district, and if issued by the district, shall bear such date or dates, and shall mature at such time or times, but not in excess of forty years, as the resolution shall specify;

e. Shall be in such denomination, bear interest at such rates, be in such form, be issued as current interest bonds, compound interest bonds, variable rate bonds, convertible bonds, or zero coupon bonds, be issued in such manner, be payable in such place or places and subject to redemption as such resolution may provide; and

f. May be sold at either public or private sale, at such interest rates, and at such price or prices as the district shall determine. The foregoing provisions are applicable to the district notwithstanding the provisions of section 108.170 RSMo.

67.2530. 1. Any note, bond or other indebtedness of the district may be refunded at any time by the district by issuing refunding bonds in such amount as the district may deem necessary. Such bonds shall be subject to, and shall have the benefit of the foregoing provisions regarding notes, bond and other obligations. Without limiting the generality of the foregoing, refunding bonds may include amounts necessary to finance any premium, unpaid interest and costs of issuance in connection with the refunding bonds. Any such refunding may be effected whether the bonds to be refunded then shall have matured or thereafter shall mature, either by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations being refunded or the exchange of the refunding bonds for the obligations being refunded with the consent of the

holders of the obligations being refunded.

2. Notes, bonds or other indebtedness of the district shall be exclusively the responsibility of the district payable solely out of the district funds and property and shall not constitute a debt or liability of the state of Missouri or any agency or political subdivision of the state. Any notes, bonds or other indebtedness of the district shall state on their face that they are not obligations of the state of Missouri or any agency or political subdivision thereof other than the district.

3. Any district may by resolution impose a district sales tax of up to one half of one percent on all retail sales made in such district that are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. Upon voter approval, and receiving the necessary certifications from the governing body of the municipality in which the district is located, or from the circuit court if the district was formed by the circuit court, the board of directors shall have the power to impose a sales tax at its first meeting, pursuant to subsection 9(e) or any meeting thereafter. Voter approval of the question of the imposition of the sales tax shall be in accordance with section 67.2520 of this section. The sales tax shall become effective in those subdistricts that approve the sales tax on the first day of the first calendar quarter immediately following the passage of a resolution by the board of directors imposing the sales tax.

4. In each district in which a sales tax has been imposed in the manner provided by this section, every retailer shall add the tax imposed by the district pursuant to this section to the retailer's sale price, and when so added such tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

5. In order to permit sellers required to collect and report the sales tax authorized by this section to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting tax or to serve as a levy of the tax, and in order to avoid fractions of pennies, the district may establish appropriate brackets which shall be used in the district imposing a tax pursuant to this section in lieu of those brackets provided in section 144.285, RSMo.

6. All revenue received by a district from the sales tax authorized by this section shall be deposited in a special trust fund and shall be used solely for the purposes of the district. Any funds in such special trust fund which are not needed for the district's current expenditures may be invested by the district board of directors in accordance with applicable laws relating to the investment of other district funds.

7. The sales tax may be imposed at a rate of up to one half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the district adopting such tax, if such property and services are subject to taxation by the state of Missouri pursuant to the provisions of sections 144.010 to 144.525, RSMo. Any district sales tax imposed pursuant to this section shall be imposed at a rate that shall be uniform throughout the subdistricts approving the sales tax.

8. The resolution imposing the sales tax pursuant to this section shall impose upon all sellers a tax for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in sections 144.010 to 144.525, RSMo, and the rules and regulations of the director of revenue issued pursuant thereto; except that the rate of the tax shall be the rate imposed by the resolution as the sales tax and the tax shall be reported and returned to and collected by the district.

9. (1) On and after the effective date of any sales tax imposed pursuant to this section, the district shall perform all functions incident to the administration, collection, enforcement, and operation of the tax. The sales tax imposed pursuant to this section shall be collected and reported upon such forms and under such administrative rules and regulations as may be prescribed by the district.

(2) All such sales taxes collected by the district shall be deposited by the district in a special fund to be expended for the purposes authorized in this section. The district shall keep accurate records of the amount of money which was collected pursuant to this section, and the records shall be open to the inspection of officers of each district and the general public.

(3) The district may contract with the municipality that the district is within for the municipality to collect any revenue received by the district and, after deducting the cost of such collection but not to exceed one percent of the total amount collected, deposit such revenue in a special trust account. Such revenue and interest therefrom may be applied by the municipality to expenses, costs or debt service the district at the direction of the district as set forth in a contract between the municipality and the district.

10. (1) All applicable provisions contained in sections 144.010 to 144.525, RSMo, governing the state sales tax, sections 32.085 and 32.087, RSMo, and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by this section, except as modified in this section.

(2) All exemptions granted to agencies of government, organizations, persons and to the sale of certain articles and items of tangible personal property and taxable services pursuant to the provisions of sections 144.010 to 144.525, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by this section.

(3) The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.525, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of this section, and no additional permit or exemption certificate or retail certificate shall be required; except that the district may prescribe a form of exemption certificate for an exemption from the tax imposed by this section.

(4) All discounts allowed the retailer pursuant to the provisions of the state sales tax laws for the collection of and for payment of taxes pursuant to such laws are hereby allowed and made applicable to any taxes collected pursuant to the provisions of this section.

(5) The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.525, RSMo, for violation of those sections are hereby made applicable to violations of this section.

(6) For the purpose of a sales tax imposed by a resolution pursuant to this section, all retail sales shall be deemed to be consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or the retailer's agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has more than one place of business in this state which participates in the sale, the sale shall be deemed to be consummated at the place of business of the retailer where the initial order for the tangible personal property is taken, even though the order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A sale by a retailer's employee shall be deemed to be consummated at the place of business from which the employee works.

(7) Subsequent to the initial approval by the voters and implementation of a sales tax in the district, the rate of the sales tax may be increased, but not to exceed a rate of to one half of one percent on retail sales as provided in this subsection The election shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the increase of the sales tax before the voters of the district by resolution, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors. The ballot of submission shall be in substantially the following form:

"Shall (name of district) increase the (insert amount) percent district sales tax now in effect to..... (insert amount) in the (name of district)?

Yes [] No []

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor

of the increase, the increase shall become effective December thirty-first of the calendar year in which such increase was approved.

11. (1) There shall not be any election as provided for in this section while the district has any financing or other obligations outstanding.

(2) The board, when presented with a petition signed by at least one-third of the registered voters in a district that voted in the last gubernatorial election, or signed by at least two-thirds of property owners of the district, calling for an election to dissolve and repeal the tax shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

"Shall (name of district) dissolve and repeal the (insert amount) percent district sales tax now in effect in the (name of district)?

Yes [] No []

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

Such subsequent elections for the repeal of the sales tax shall be conducted in accordance with section 67.2520; provided, however, that the district board of directors may place the question of the repeal of the sales tax before the voters of the district, and the municipal clerk of the city, town, or village which originally conducted the incorporation of the district, or the circuit clerk of the court which originally conducted the incorporation of the district, shall conduct the subsequent election. In subsequent elections the election judges shall certify the election results to the district board of directors.

(3) If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved or after the repayment of the district's indebtedness, whichever occurs later.

12. (1) At such time as the board of directors of the district determines that further operation of the district is not in the best interests of the inhabitants of the district, and that the district should dissolve, the board shall submit for a vote in an election held throughout the district the question of whether the district should be abolished. The question shall be submitted in substantially the following form:

"Shall the theater, cultural arts and entertainment district be abolished?"

(2) The district board shall not propose the question to abolish the district while there are outstanding claims or causes of action pending against the district, while the district liabilities exceed its assets, while indebtedness of the district is outstanding, or while the district is insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior to submitting the question to abolish the district to a vote of the entire district, the state auditor shall audit the district to determine the financial status of the district, and whether the district may be abolished pursuant to law. The vote on the abolition of the district shall be conducted by the municipal clerk of the city, town or village in which the district is located. The procedure shall be the same as that followed in section 67.2520, except that the question shall be determined by the qualified voters of the entire district. No individual subdistrict may be abolished, except at such time as the district is abolished.

(3) While the district still exists, it shall continue to accrue all revenues to which it is entitled at law.

(4) Upon receipt by the board of directors of the district of the certification by the city, town or village in which the district is located that the majority of those voting within the entire district have voted to abolish the district, and if the state auditor has determined that the district's financial condition is such that it may be abolished pursuant to law, then the board of directors of the district shall:

- (a) Sell any remaining district real or personal property it wishes, and then transfer the proceeds and any other real or personal property owned by the district to the city, town or village in which the district is located, including revenues due and owing the district, to, for its further use and disposition;**
- (b) Terminate the employment of any remaining district employees, and otherwise conclude its affairs;**
- (c) At a public meeting of the district, declare by a resolution of the board of directors passed by a majority vote that the district has been abolished effective that date;**
- (d) Cause copies of that resolution under seal to be filed with the secretary of state and the city, town or village in which the district is located. Upon the completion of the final act specified in this subsection, the legal existence of the district shall cease.**
- (5) Provided, however, the legal existence of the district shall not cease for a period of two years after voter approval of the abolition."; and**

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 38, Section 488.5026, Lines 24 through 28, by deleting said lines and inserting in lieu thereof the following:

"3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Security Fund". Funds deposited shall be utilized to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. Upon the installation of the biometric verification system, funds in the "Inmate Security Fund" may be used for the maintenance of the biometric verification system, and to pay for any expenses related to custody and housing and other expenses for prisoners."

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 24, Section 67.2000, Line 17, by inserting after all of said line the following:

"94.837. 1. The governing body of any city of the fourth classification with more than two thousand seven hundred but less than two thousand eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than forty-one thousand one hundred but less than forty-one thousand two hundred inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of funding the construction, maintenance, and operation of a convention and multipurpose center. The order or ordinance shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent, solely for the purpose of funding the construction, maintenance, and operation of a convention and multipurpose center?

☐ YES ☐ NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. Any tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087, RSMo. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the tax imposed at a rate of (insert rate of percent) percent for the purpose of funding the construction, maintenance, and operation of a convention and multipurpose center?

☐ YES ☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 8, Section 50.740, Line 9 of said page by inserting after all of said line the following:

"67.402. 1. The governing body of **any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants, and** any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict cars, derelict trucks, derelict construction equipment, derelict appliances [and], broken furniture, **or overgrown or noxious weeds in residential subdivisions or districts** which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

2. Any ordinance enacted pursuant to this section shall:

(1) Set forth those conditions which constitute a nuisance and which are detrimental to the health, safety, or welfare of the residents of the county;

(2) Provide for duties of inspectors with regard to those conditions which may be declared a nuisance, and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such property;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located shall be made parties;

(4) Provide that upon failure to commence work of abating the nuisance within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter before the county commission, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if evidence supports a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, the county commission shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the property to be a nuisance and detrimental to the health, safety, or welfare of the residents of the county and ordering the nuisance abated. If the evidence does not support a finding that the property is a nuisance or detrimental to the health, safety, or welfare of the residents of the county, no order shall be issued.

3. Any ordinance authorized by this section may provide that if the owner fails to begin abating the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the county clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the county collector's option, for the property and the certified cost shall be collected by the county collector in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 38, Section 304.010, Line 2, by inserting after said line the following:

"488.447. 1. The circuit and associate circuit judges of the circuit court in any city not within a county, **and in any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants**, shall require any party filing a civil case in the circuit court, at the time of filing suit, to deposit with the circuit clerk a surcharge in the amount of forty-five dollars, in addition to all other court costs now or hereafter required by law or court rule, and no summons shall be issued until such surcharge has been paid. This section shall not apply to proceedings when costs are waived or paid by the state, county or municipality.

2. Such funds shall be payable to the treasury of any city not within a county, **or to the treasurer of any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants**, to be credited to a courthouse restoration fund, which shall bear interest, to be used by any city not within a county, **or any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants**, only for the restoration, maintenance and upkeep of the courthouses; provided, that the courthouse restoration fund may be pledged to directly or indirectly secure bonds to fund such costs. All funds collected pursuant to this section before August 28, 1995, shall be credited to the courthouse restoration fund provided for in this section, to be used pursuant to the provisions of this section.

3. This section shall expire on August 28, 2033."

488.2275. 1. In addition to all other court costs prescribed by law, a surcharge of ten dollars shall be assessed as costs in each court proceeding filed in any court in the state located within a county of the first classification with a population of at least two hundred thousand inhabitants which does not adjoin any other county of the first classification, **and in any county of the first classification without a charter form of government having a population of at least eighty-two thousand inhabitants, but less than eighty-two thousand one hundred inhabitants**, in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including infractions, except that no such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed as provided by sections 488.010 to 488.020 and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received under this section only to pay for the costs associated with the operation of the county judicial facility including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 33, Section 137.723, Line 2, of said page, by inserting after all of said line the following:

"190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

- (1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;
- (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;
- (3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;
- (4) "Governing body", the legislative body for a city, county or city not within a county;
- (5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;
- (6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;
- (7) "Service supplier", any person providing exchange telephone services to any service user in this state;
- (8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who is provided exchange telephone service in this state;
- (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;
- (10) "Wireless service supplier", any person providing wireless telephone services to any wireless service user in this state;**
- (11) "Wireless service user", any person who uses a wireless telephone service in this state. For the purposes of sections 190.300 to 190.320, any imposition of a tax shall be in accordance with the Federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.**

190.304. 1. In addition to its other powers for the protection of the public health, a governing body of a county or a city not within a county may, by a majority vote of its members, choose to submit to a vote of the qualified voters of the county or a city not within a county a ballot containing either of the two proposals pursuant to subdivisions (1) and (2) of this subsection to provide for the operation of an emergency telephone service. In no case shall a governing body be permitted to enact provisions of both subdivisions (1) and (2) of this subsection, whether in simultaneous elections or by separate elections. If the governing body so chooses, by a majority vote of its members, it may submit:

- (1) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount equal to the average levied tax per line for wire lines in such county or such city not within a county in the current year based on the tax on the tariff rate authorized in section 190.305 for each access line or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county. If a majority of the**

qualified voters of the county or a city not within a county adopt the provision in this subdivision, such tax shall be in addition to the tax authorized pursuant to section 190.305. The tax authorized pursuant to this subdivision shall be in lieu of any tax authorized and adopted pursuant to sections 190.325 to 190.329. The governing body of the county shall certify to the office of administration the amount of the average levied tax per line for wire lines in such county or city not within a county; or

(2) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to fifty cents per month on each access line user or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county, plus a tax of up to fifty cents per access line per month for wired telephone services in such county or a city not within a county. If a majority of the qualified voters of the county or a city not within a county adopt the provision in this subdivision, the approved taxes shall be in lieu of the tax authorized pursuant to section 190.305 and in lieu of the tax authorized pursuant to sections 190.325 to 190.329. The taxes authorized pursuant to this subdivision shall not exceed fifty cents and shall be equal to one another.

2. The taxes collected pursuant to this section shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body and for no other purpose except as provided in subsection 3 of this section. Collection of such taxes shall not begin prior to twelve months before the operation upgraded to facilities which implement phase I enhanced 911 services as described in Federal Communications Docket 94-102, or in counties which do not have a functioning emergency telephone service and dispatch center the collection of such taxes shall not begin prior to twenty-seven months before operation of such emergency telephone service and dispatch center.

3. Any county or city not within a county which has not implemented service pursuant to the requirements of subsection 2 of this section shall immediately cease collection of such tax, and if the county or city not within a county fails to implement such service within twelve months thereafter, the governing body of such county or city not within a county shall remit all taxes collected pursuant to this section to the state treasurer to be deposited in the 911 emergency services fund created pursuant to section 190.312.

4. Every billed service user or wireless service user is liable for the taxes until it has been paid to the service supplier.

5. The duty to collect the tax from a service user or wireless service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier or wireless service supplier shall be added to and shall be stated separately in the billings to the service user or wireless service user.

6. Nothing in this section imposes any obligation upon a service supplier or wireless service supplier to take any legal action to enforce the collection of the tax imposed by this section unless the charges for wireless service are unpaid. The service supplier or wireless service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users or wireless service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the wire line or wireless service in accordance with the regular billing practice of the service supplier.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been

contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body **and for no other purpose**, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.

5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services."; and

Further amend said bill, Page 33, Section 190.306, Line 11 of said page, by inserting after all of said line the following:

"190.310. 1. The [tax] **taxes** imposed by sections 190.300 to 190.320 and the amounts required to be collected are due [quarterly] **monthly**. The amount of [tax] **taxes** collected in one [calendar quarter] **month** by the service supplier **or wireless service supplier** shall be remitted to the governing body no later than [sixty] **thirty** days after the close of a [calendar quarter] **month**. On or before the [sixtieth] **thirtieth** day of each [calendar quarter] **month** following, a return for the preceding [quarter] **month** shall be filed with the governing body in such form as the governing body and service supplier **or wireless service supplier** shall agree. The service supplier **or wireless service supplier** will include the list of any service user **or wireless service user** refusing to pay the [tax] **taxes** imposed by sections 190.300 to 190.320 with each return filing. The service supplier **or wireless service supplier** required to file the return

shall deliver the return, together with a remittance of the amount of the [tax] **taxes** collected under the provisions of sections 190.300 to 190.320. The records shall be maintained for a period of one year from the time the [tax] **taxes** is collected.

2. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier **or wireless service supplier** required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. Every remittance to the governing body which is not paid within thirty days of the due date thereof by the service supplier or wireless service provider shall accrue interest at the rate of one percent per month for which such payment is overdue.

4. Nothing in this section shall prevent the governing body and the service supplier or wireless service supplier from entering into an agreement for an alternate remittance schedule which in no event shall require payments less frequently than quarterly.

5. For any county collecting the tax authorized pursuant to section 190.305, at least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by sections 190.300 to 190.320. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in sections 190.300 to 190.320. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate. The governing body may require an audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by sections 190.300 to 190.320.

6. Twenty percent of the taxes collected pursuant to any tax levied for wireless services pursuant to section 190.304, subject to the provisions of subsection 7 of this section, shall be collected by the governing body of the county or city not within a county levying the tax and forwarded each quarter to the department of revenue to be deposited in the 911 emergency services fund, which is created pursuant to section 190.312.

7. When at least sixty percent of the counties comprising at least seventy-five percent of the population in this state have enacted a tax pursuant to this section, the percentage of such taxes being deposited in the 911 emergency services fund shall be reduced from twenty percent to ten percent, and two calendar years after the office of administration verifies passage of the tax authorized pursuant to section 190.304 in ninety percent of the counties in the state, the percentage deposited in the 911 emergency services fund shall be eliminated.

190.312. 1. There is hereby created in the state treasury the "911 Emergency Services Fund", which shall consist of moneys collected pursuant to subsection 6 of section 190.310. The fund shall be administered by the office of administration in consultation with the department of public safety.

2. Cost for administering such programs created pursuant to this section shall be paid from the 911 emergency services fund.

3. Other than costs for administration, moneys in the fund shall be used solely for matching grants to counties or a city not within a county for the purpose of implementation of a comprehensive statewide 911 system.

4. Only counties or a city not within a county which have authorized a tax pursuant to section 190.304 shall be eligible to receive grants from the 911 emergency services fund.

5. Any county or city not within a county receiving a grant pursuant to this section shall be required to match at least twenty-five percent of such grant with local funds.

6. No county or city not within a county shall receive grants in excess of five percent of the total funds available

in any fiscal year or receive grants for longer than three consecutive years.

7. Grants may be made on a collective basis to counties which enter into an inter-county agreement to provide services.

8. The office of administration shall promulgate rules for the implementation and administration of grants from the 911 emergency services fund.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

11. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

190.335. 1. In lieu of the tax levy authorized under section **190.304** or 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.
 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.
 7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.
 8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.
 9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.
 10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.
- 190.430. [1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.
2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.
 3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:
 - (1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

- (a) The volume of wireless 911 calls received by each public safety answering point;
 - (b) The population of the public safety answering point jurisdiction;
 - (c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and
 - (d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;
- (3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;
- (4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8.] Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct."; and

Further amend said bill, page 41, section 644.583, line 28, by inserting after said line the following:

"650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "911", the primary emergency telephone number within the wired and wireless telephone system;

[(1)] (2) "Committee", the advisory committee for 911 service oversight established in section 650.325;

[(2)] (3) "Public safety answering point", the location at which 911 calls are initially answered;

[(3)] (4) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.330. 1. The committee for 911 service oversight shall consist of sixteen members, one of which shall be chosen from the department of public safety who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

- (1) One member chosen to represent an association domiciled in this state whose primary interest relates to counties;
- (2) One member chosen to represent the Missouri public service commission;
- (3) One member chosen to represent emergency medical services;
- (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
- (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
- (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
- (8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;
- (9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
- (10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;
- (11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;
- (12) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri;
- (13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;
- (14) One member chosen to represent a professional association of physicians who conduct with emergency care; and
- (15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers.

2. Each of the members of the committee for 911 service oversight shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years. Members of the committee may serve multiple terms.

3. The committee for 911 service oversight shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other activities of the

committee. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the committee.

4. The committee for 911 service oversight shall:

- (1) Organize and adopt standards governing the committee's formal and informal procedures;
- (2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;
- (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
- (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such committee shall not supersede decision-making authority of local political subdivisions in regard to 911 services;
- (5) Provide assistance to the governor and the general assembly regarding 911 services;
- (6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;
- (7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;
- (8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; [and]
- (9) Advise the department of public safety and the office of administration regarding the implementation of Federal Communications Docket 94-102 or any subsequent orders on the same or similar subjects;**
- (10) Advise the department of public safety and the office of administration on the administration of grants from the 911 emergency services fund created pursuant to section 190.312, RSMo, for the purpose of implementing comprehensive statewide 911 services; and**

[(9)] **(11)** Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340.

5. The department of public safety shall provide staff assistance to the committee for 911 service oversight as necessary in order for the committee to perform its duties pursuant to sections 650.320 to 650.340.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

- (1) "911", the primary emergency telephone number within the wireless system;
- (2) "Board", the wireless service provider enhanced 911 advisory board;
- (3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or

other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

(4) "Public safety answering point", the location at which 911 calls are initially answered;

(5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.).]

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

(1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;

(2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state

treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]

[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

(1) "911", the primary emergency telephone number within the wireless system;

(2) "Board", the wireless service provider enhanced 911 advisory board;

(3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

(4) "Public safety answering point", the location at which 911 calls are initially answered;

(5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).]

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

(1) The director of the department of public safety or the director's designee who shall hold a position of authority in

such department of at least a division director;

(2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the

Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Dolan offered **SA 1** to **SA 18**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 3, Section 190.304, Lines 3-26, by striking all of said lines; and further amend said page and section, line 27, by striking "(2)"; and further amend page 4 of said section, line 3, by striking "plus" and inserting in lieu thereof a period, "."; and further amend said page and section, lines 4-12, by striking all of said lines and inserting in lieu thereof the following: **"The tax authorized pursuant to this section shall not exceed fifty cents and shall be used for the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers and to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls."**; and

Further amend said page and section, lines 17 and 18, by striking all of said lines and inserting in lieu thereof the following: **"governing body and shall be used for the reimbursement actual expenditures for implementation of enhanced 911 service by wireless service provider. Collection of such taxes shall not"**.

Senator Dolan moved that the above amendment be adopted.

At the request of Senator Dolan, **SA 1** to **SA 18** was withdrawn.

At the request of Senator Goode, **SA 18** was withdrawn.

Senator Klindt offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 41, Section 644.583, Line 28,

by inserting after all of said line the following:

"[190.044. 1. No taxpayer shall be required to pay property taxes for ground ambulance service to both an ambulance district and a fire protection district or two ambulance districts which operate a ground ambulance service, unless reaffirmed and authorized pursuant to this section. In the event that a taxpayer in a third class county is paying taxes to both entities to provide ground ambulance service, any taxpayer residing in the area subject to the double tax may file a petition with the county clerk in which the area, or greatest part thereof, is situated requesting that the double tax be eliminated and that the area only pay a tax to one entity.

2. Upon receipt of such petition, the county clerk shall determine the area taxed by two such entities and place the question before the voters of such area at the next state or municipal election. The petition shall request that the following question be submitted to the voters residing within the geographic limits of the area:

The (description of area) is currently paying a tax to provide ambulance service to the (name of entity created first) and the (name of entity created second).

As a result, choose only one of the following districts to provide ambulance service and taxation:

..... (name of entity created first)

..... (name of entity created second).

3. The entity receiving the most votes shall be declared as the single taxing entity for the area in question. The taxpayers within the area shall thereafter only pay one tax to the single taxing entity following a three-year period, over which the tax rate levied and collected shall be decreased by one-third each year until such tax is no longer levied or collected by the entity not chosen to provide service.

4. All costs incurred by the county clerk as a result of this section, including election costs, shall be paid by the entity not chosen to provide service.

5. The boundaries and service area of the entities providing ambulance service will reflect the change as determined by the election.]" and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 38, Section 304.010, Line 2 of said page, by inserting immediately after said line the following:

"393.760. 1. The commission shall, in accordance with the provisions of chapter 115, RSMo, order an election to be held whereby the qualified electors in each contracting municipality participating in the project shall approve or disapprove the issuance of the bonds as provided for in the resolution of the commission. The commission may not order such an election until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings.

2. The commission shall notify the election authority or authorities responsible for conducting elections within each contracting municipality participating in the project in accordance with chapter 115, RSMo.

3. The question shall be submitted in substantially the following form:

OFFICIAL BALLOT

Should a resolution to approve the issuance of revenue bonds by the joint municipal (water) (sewer) (power) (gas) commission in an amount not to exceed \$...... for the purpose of be approved?

☐ Yes ☐ No

If you are in favor of the resolution, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

4. If the resolution to issue the bonds is approved by at least a majority of the qualified electors voting thereon in each of the contracting municipalities participating in the project, the commission shall declare the result of the election and cause the bonds to be issued.

5. The municipalities participating in the project shall bear all expenses associated with the elections in such contracting municipalities.

6. In lieu of the public voting procedure set forth in subsections 1 to 5 of this section, in the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Pages 25-30, Section 135.207, by striking said section from the bill; and

Further amend said bill, Page 30, Section 135.217, Lines 8 to 17 of said page, by striking said section from the bill; and

Further amend said bill, Page 30, Section 135.261, Lines 18 to 26 of said page, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Childers offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 4, Section 49.272, Line 13 of said page, inserting after all of said line the following:

"50.343. 1. Other provisions of law to the contrary notwithstanding, in any first classification nonchartered county, including any county containing any part of a city with a population of three hundred thousand or more, the annual salary of a county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator may be computed on an assessed valuation basis, **without regard to modifications due to the existence of enterprise zones or financing pursuant to chapter 100, RSMo**, as set forth in the following schedule except as provided in subsection 2 of this section. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit a reduction in the amount of compensation being paid on January 1, 1997, for any of the offices subject to this section on January 1, 1997.

(1) For a recorder of deeds, clerk, auditor, presiding commissioner, collector, treasurer, assessor, or salaried public administrator:

Assessed Valuation Salary

\$ 450,000,001 to 600,000,000 \$47,000

600,000,001 to 750,000,000 49,000

750,000,001 to 900,000,000 51,000

900,000,001 to 1,050,000,000 53,000

1,050,000,001 to 1,200,000,000 55,000

1,200,000,001 to 1,350,000,000 57,000

1,350,000,000 and over 59,000

(2) Presiding commissioners shall receive a salary of two thousand dollars more than the salary received by the associate commissioners.

2. After December 31, 1990, in any county of the second classification which becomes a first classification county without a charter form of government, the annual compensation of county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor and the public administrator in counties where the public administrator is paid a salary under the provisions of section 473.740, RSMo, may be set at the option of the salary commission. On or before October first of the year immediately prior to the beginning of the county fiscal year following the general election after the certification by the state equalizing agency that the county possesses an assessed valuation placing it in first classification status, the salary commission shall meet for the purpose of setting compensation for such county officials and such compensation shall be payable immediately except that no compensation of any county official shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Thereafter in all such counties the salary commission shall meet for the purpose of setting the compensation of the officers in this subsection who will be elected at the next general election, and such compensation shall be payable upon the beginning of the next term of

office of such officers; except that, no compensation of any officer shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Two thousand dollars of the compensation established under the procedures authorized pursuant to this subsection shall be payable to a county officer only if the officer has completed at least twenty hours of classroom instruction in the operation of the office in the same manner as provided by law for officers subject to the provisions of section 50.333. At the salary commission meeting which establishes the percentage rate to be applied to county officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county officers may be adjusted by the county commission, not to exceed the percentage increase given to the other county employees.

3. Other provisions of this section to the contrary notwithstanding, at the option of a majority of the county salary commission members, the salary of associate commissioners of a county of the first classification without a charter form of government with a population of at least eighty-two thousand but not more than eighty-five thousand inhabitants may be set at no more than sixty-five percent of the amount on the salary schedule for the county affected."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 8, Section 50.740, Line 9 of said page by inserting after all of said line the following:

"64.825. The county planning commission may also prepare, with the approval of the county commission, as parts of the official master plan or otherwise, sets of regulations governing subdivisions of land in unincorporated areas, and amend or change same from time to time as herein provided, which regulations may provide for the proper location and width of streets, building lines, open spaces, safety, recreation, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may also include the extent to which and the manner in which streets shall be graded and improved, and the extent to which water, sewer and other utility services shall be provided, to protect public health and general welfare. Such regulations may provide that in lieu of the immediate completion or installation of the work, the county planning commission may accept bond for the county commission in the amount and with surety **or other form of security** and conditions satisfactory to the county commission, providing for and securing to the county commission the actual construction of the improvements and utilities within a period specified by the county planning commission, and the county commission shall have power to enforce the bond **or other form of security** by all proper remedies. The subdivision regulations shall be adopted, changed or amended, certified and filed as provided in section 64.815. The subdivision regulations shall be adopted, changed or amended only after a public hearing has been held thereon, public notice of which shall be given in the manner as provided for the hearing in section 64.815."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Pages 5-7, Section 50.565, Lines 28-3, by deleting all of said lines and inserting in lieu thereof the following:

"And shall be under the supervision of the county commission.

2. On a periodic basis, at least once per quarter, the county commission shall direct that the balance held in the county law enforcement restitution fund shall be dispersed as follows:

(1) One-half of such funds shall be directed to the crime victims' compensation fund established pursuant to section 595.045, RSMo, and used to benefit and reimburse the victims of crimes committed in this state; and

(2) One-half of such funds shall be directed to the services to victims fund established pursuant to section 595.100, RSMo, and used to provide vital services to the victims of crimes committed in this state."; and

Further by renumbering subsequent subsection numbers accordingly; and

Further amend page 41, section 488.5026, line 7, by inserting after the end of said line the following:

"595.100. 1. There is hereby established in the state treasury the "Services to Victims Fund" which shall consist of money collected pursuant to section 595.045 **and section 50.565, RSMo.** The fund shall be administered by the department of public safety. Upon appropriation, money in the fund shall be used solely for the administration of sections 595.050, 595.055 and 595.105.

2. Notwithstanding the provisions of section 33.080, RSMo, any balance remaining in the fund at the end of an appropriation period shall not be transferred to general revenue, but shall remain in the fund."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Childers, **SB 715**, with **SCS**, **SS** for **SCS** and **SA 24** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 946, 1106** and **952**, entitled:

An Act to repeal sections 21.795, 50.515, 226.030, 226.060, 226.527, 227.120, 301.010, and 304.190, RSMo, and to enact in lieu thereof nineteen new sections relating to transportation, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 980**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental rules.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

An Act to repeal sections 285.300, 288.030, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.121, 288.128, 288.270, 288.290, 288.310, and 288.330, RSMo, and to enact in lieu thereof nineteen new sections relating to employees, with penalty provisions and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1322-By Mathewson.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the state capitol.

SB 1323-By Shields.

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof one new section relating to the joint committee on education.

SB 1324-By Dolan, Callahan, Coleman and Scott.

An Act to repeal sections 307.178, 537.600, and 537.610, RSMo, and to enact in lieu thereof three new sections relating to tort reform.

SB 1325-By Dolan.

An Act to repeal section 452.402, RSMo, and to enact in lieu thereof one new section relating to visitation rights for grandparents.

SB 1326-By Dolan.

An Act to repeal section 577.023, RSMo, and to enact in lieu thereof one new section relating to intoxication-related traffic offenses, with penalty provisions.

SB 1327-By Coleman.

An Act to repeal section 115.155, RSMo, and to enact in lieu thereof six new sections relating to primary elections.

SB 1328-By Yeckel.

An Act to amend chapter 1, RSMo, by adding thereto one new section relating to legislative intent clauses.

SB 1329-By Griesheimer.

An Act to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof four new sections relating to emergency services.

SB 1330-By Bray and Days.

An Act to repeal sections 193.085 and 193.087, RSMo, and to enact in lieu thereof three new sections relating to establishment of paternity.

SB 1331-By Gibbons.

An Act to repeal section 99.918, RSMo, and to enact in lieu thereof one new section relating to downtown and rural development.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 700** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1405, regarding Norma Harmon Compton, Potosi, which was adopted.

Senator Kennedy offered Senate Resolution No. 1406, regarding Harvey Compton, Potosi, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Paul Baker, Mary Magnus and twenty-three seventh and eighth grade students from Springfield Lutheran School.

On behalf of Senator Steelman and himself, Senator Cauthorn introduced to the Senate, Jon Dye, John Osorio, Rachel Borgmeyer, Amy Johnson, Theresa Ferriman, Sharon Beauchamp and Sonja Hill, Waynesville.

On behalf of Senator Loudon, Senator Griesheimer introduced to the Senate, the Physician of the Day, Dr. H.G. "Tad" Berry, M.D., Des Peres.

Senator Griesheimer introduced to the Senate, Dan Vogel, Wildwood.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Monday, March 1, 2004.

SENATE CALENDAR

THIRTIETH DAY-MONDAY, MARCH 1, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1280-Childers and Foster

SB 1281-Childers and Foster

SB 1282-Kennedy

SB 1283-Bray

SB 1284-Clemens

SB 1285-Wheeler

SB 1286-Loudon

SB 1287-Griesheimer

SB 1288-Vogel

SB 1289-Kennedy and Gibbons

SB 1290-Steelman

SB 1291-Days, et al

SB 1292-Bray, et al

SB 1293-Bray, et al

SB 1294-Kennedy

SB 1295-Klindt

SB 1296-Callahan

SB 1297-Callahan

SB 1298-Loudon and Gibbons

SB 1299-Loudon

SB 1300-Loudon

SB 1301-Bray

SB 1302-Champion

SB 1303-Steelman

SB 1304-Griesheimer and Gibbons

SB 1305-Champion, et al

SB 1306-Nodler

SB 1307-Gibbons

SB 1308-Klindt

SB 1309-Stoll

SB 1310-Gross

SB 1311-Wheeler

SB 1312-Callahan

SB 1313-Bray

SB 1314-Bray, et al

SB 1315-Steelman and Clemens

SB 1316-Steelman

SB 1317-Steelman

SB 1318-Scott

SB 1319-Shields

SB 1320-Kinder

SB 1321-Callahan

SB 1322-Mathewson

SB 1323-Shields

SB 1324-Dolan, et al

SB 1325-Dolan

SB 1326-Dolan

SB 1327-Coleman

SB 1328-Yeckel

SB 1329-Griesheimer

SB 1330-Bray and Days

SB 1331-Gibbons HOUSE BILLS ON SECOND READING

HB 994-Cunningham (145), et al

HCS for HB 1040

HCS for HBs 946, 1106 & 952

HCS for HB 980

HS for HCS for HBs 1268 & 1211-Smith (118)

THIRD READING OF SENATE BILLS

SCS for SB 969-Shields

SCS for SB 1038-Yeckel

SJR 29-Steelmann, et al

SB 870-Bartle

SCS for SB 700-Russell (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SBs 740, 886 & 1178-Klindt, with SCS

SB 755-Shields, with SCS

SB 1122-Shields, with SCS

SB 920-Caskey

SB 937-Gross, with SCS

SB 968-Shields, with SCS

SB 1045-Kinder, et al, with SCS

SB 754-Vogel, with SCS

SB 1160-Shields, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 24 (pending)

SB 718-Yeckel, et al

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 1123-Gibbons, et al

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 827-Bartle, with SCS

SB 803-Gross

SB 1093-Gibbons and Yeckel, with SCS

SB 783-Mathewson

SB 837-Caskey, with SCS

SB 859-Klindt, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 921-Caskey, with SCS

SRB 1108-Bartle

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

House Bills

Reported 2/23

HCS for HBs 950 & 948 (Childers)

Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY--MONDAY, MARCH 1, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"Do not fear, greatly beloved, you are safe. Be strong and courageous!..." (Daniel 10:19)

Gracious God, we come to a new week facing many difficulties and need Your grace to strengthen us as we face those who will not see what we are attempting to achieve. Guide our hearts and words so we may speak with conviction and teach what is needed to be learned. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 26, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Bartle--1

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 1407, regarding Jessica Lenoir, which was adopted.

Senator Foster offered Senate Resolution No. 1408, regarding Elizabeth "Liz" Provance, Malden, which was adopted.

Senator Foster offered Senate Resolution No. 1409, regarding Joni Duck, Malden, which was adopted.

Senator Scott offered Senate Resolution No. 1410, regarding the Calhoun High School Eagle Pride Band, Henry County, which was adopted.

Senator Bland offered Senate Resolution No. 1411, regarding the late Morton Reynolds, New Bloomfield, which was adopted.

Senator Jacob offered the following resolution:

SENATE RESOLUTION NO. 1412

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2004, the American Legion Auxiliary, Department of Missouri, is conducting the Sixty-Third annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-Second General Assembly, hereby grant the adult leaders and participants of the Sixty-Third Session of the Missouri Girls State, permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on June 22, 2004.

Senator Jacob requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1412** up for adoption, which request was granted.

On motion of Senator Jacob, **SR 1412** was adopted.

Senator Stoll offered Senate Resolution No. 1413, regarding the One Hundredth Birthday of Emma H. Montgomery, DeSoto, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bray offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 42

WHEREAS, the United States is just beginning to recover from a depressed economy; and

WHEREAS, most states are experiencing a job gap between actual jobs available and the number of jobs needed to keep up with the growth in working age population; and

WHEREAS, Missouri revenues have been adversely affected by the economy; and

WHEREAS, state revenues will recover at a slower pace than the economy at large; and

WHEREAS, federal tax cuts will result in lower Missouri revenue due to coupling; and

WHEREAS, Missouri struggles with the challenges of a significant budget deficit; and

WHEREAS, the budget deficit puts the health care of children, seniors, and the disabled at risk; and

WHEREAS, the Federal Government has funds available for two trillion dollars in tax cuts that disproportionately benefit the most prosperous

Americans; and

WHEREAS, federal unfunded mandates in IDEA, No Child Left Behind, Election Reform, and Homeland Security cost the states more than twenty billion dollars per year;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to pass a fiscal relief package for the states of no less than twenty billion dollars; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

Senator Yeckel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 43

WHEREAS, the citizens of the state of Missouri have seen an untenable level of violent crime throughout the past several years; and

WHEREAS, statistics indicate that certain cities within the state of Missouri have rates of violent crime which are among the highest in the nation:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, hereby establish the "Interim Committee on Violent Crime"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate to be appointed by the President Pro Tem of the Senate, and no more than three members of such committee shall be from the same political party; and

BE IT FURTHER RESOLVED that the Committee shall conduct an in-depth study on the causes, issues related to, and the resulting effects of violent crime within Missouri and discover methods of reducing such crime in order to improve the safety and quality of life for citizens within this state; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri Senate prior to the commencement of the First Regular Session of the Ninety-Third General Assembly.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and ordered printed:

SB 1332-By Caskey and Mathewson.

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund.

SB 1333-By Caskey and Shields.

An Act to amend chapter 250, RSMo, by adding thereto thirteen new sections relating to the formation of an authority to provide wholesale water and wastewater service.

SB 1334-By Dougherty.

An Act to repeal section 195.214, RSMo, and to enact in lieu thereof one new section relating to distribution of controlled substances near schools, with a penalty provision.

SB 1335-By Dougherty, Gross, Gibbons and Yeckel.

An Act to repeal sections 67.1775, 210.860, and 210.861, RSMo, and to enact in lieu thereof three new sections relating to community services for children.

SB 1336-By Kennedy and Dougherty.

An Act to amend chapters 41 and 143, RSMo, by adding thereto two new sections relating to the creation of a Missouri military family relief fund.

SB 1337-By Kennedy.

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to a new or expanded business tax credit.

SB 1338-By Callahan.

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to a fire protection district sales tax for homeland security and training purposes.

SB 1339-By Callahan.

An Act to repeal section 160.400, RSMo, and to enact in lieu thereof one new section relating to requirements for sponsoring a charter school.

SB 1340-By Callahan.

An Act to repeal section 137.298, RSMo, and to enact in lieu thereof one new section relating to personal property tax bills.

SB 1341-By Cauthorn, Childers, Russell, Foster and Scott.

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff's revolving fund.

SB 1342-By Cauthorn.

An Act to amend chapter 335, RSMo, by adding thereto one new section relating to nursing.

SB 1343-By Champion.

An Act to repeal section 135.215, RSMo, and to enact in lieu thereof one new section relating to enterprise zones.

SB 1344-By Champion.

An Act to repeal section 620.602, RSMo, and to enact in lieu thereof one new section relating to the joint committee on economic development policy and planning.

SB 1345-By Coleman.

An Act to repeal sections 569.080, 569.090, 570.030, 570.040, and 570.080, RSMo, and to enact in lieu thereof six new sections relating to stealing.

SB 1346-By Coleman.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to emergency care for sexual assault victims, with penalty provisions.

SB 1347-By Coleman.

An Act to amend chapters 488 and 589, RSMo, by adding thereto two new sections relating to the creation of the gang resistance education and training program fund, with an expiration date.

SB 1348-By Coleman.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to sentencing discretion.

SB 1349-By Coleman.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state aid calculations for students for whom English is not their native language.

SB 1350-By Stoll.

An Act to amend chapter 167, RSMo, by adding thereto three new sections relating to indoor air quality in schools.

SB 1351-By Stoll.

An Act to repeal section 103.175, RSMo, and to enact in lieu thereof one new section relating to the Missouri consolidated healthcare plan.

SB 1352-By Stoll.

An Act to repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to high risk charter schools.

SB 1353-By Bray.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to joint municipal public safety communications centers.

SB 1354-By Steelman.

An Act to repeal sections 565.252 and 565.253, RSMo, and to enact in lieu thereof one new section relating to invasion of privacy.

SB 1355-By Days.

An Act to amend chapters 160 and 376, RSMo, by adding thereto six new sections relating to family cost participation in the Missouri first steps program.

SB 1356-By Jacob and Bray.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof two new sections relating to concealable firearms, with penalty provisions.

SB 1357-By Jacob and Bray.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof two new sections relating to concealable

firearms, with penalty provisions.

SB 1358-By Jacob and Bray.

An Act to repeal sections 571.030 and 571.107, RSMo, and to enact in lieu thereof two new sections relating to prohibition against carrying concealed weapons in certain locations, with penalty provisions.

SB 1359-By Jacob and Bray.

An Act to repeal section 556.037, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for certain sexual offenses.

SB 1360-By Jacob.

An Act to repeal section 537.046, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for childhood sexual abuse cases.

SB 1361-By Griesheimer and Loudon.

An Act to repeal sections 143.011, 163.011, 163.031, and 163.036, RSMo, and to enact in lieu thereof six new sections relating to the school foundation formula, with an emergency clause for a certain section.

SB 1362-By Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandated insurance coverage for computerized prosthetic devices.

SB 1363-By Griesheimer.

An Act to repeal section 508.010, RSMo, and to enact in lieu thereof one new section relating to venue in tort actions, with a referendum clause.

SB 1364-By Gross.

An Act to amend chapter 67, RSMo, by adding thereto seven new sections relating to the creation of theater, cultural arts, and entertainment districts.

SB 1365-By Yeckel, Dolan, Stoll and Gibbons.

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

SB 1366-By Yeckel.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to student athletes.

SB 1367-By Yeckel.

An Act to amend chapter 173, RSMo, by adding thereto four new sections relating to eligibility for in-state tuition at Missouri institutions of higher education.

SB 1368-By Nodler.

An Act to amend chapter 337, RSMo, by adding thereto eleven new sections relating to regulation and licensing of professional addiction counselors, with penalty provisions.

SB 1369-By Nodler.

An Act to repeal section 36.390, RSMo, and to enact in lieu thereof one new section relating to state personnel law.

SB 1370-By Nodler.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to energy conservation measures in public facilities.

SB 1371-By Kinder, Jacob, Goode, Gibbons, Yeckel, Clemens, Mathewson, Klindt, Gross, Steelman, Callahan, Cauthorn, Dolan, Stoll, Griesheimer, Bland, Loudon, Russell, Champion, Wheeler, Bray, Scott, Foster, Vogel and Caskey.

An Act to repeal section 208.574, RSMo, and to enact in lieu thereof four new sections relating to the coordination of benefits for the Medicare Prescription Drug, Improvement and Modern-ization Act of 2003, with a termination date for a certain section.

SB 1372-By Klindt, Yeckel, Cauthorn, Dougherty, Goode and Griesheimer.

An Act to amend chapter 262, RSMo, by adding thereto fourteen new sections relating to the Missouri wine and grape board.

SB 1373-By Bartle.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the interstate compact for juveniles.

SB 1374-By Gibbons.

An Act to repeal sections 32.200, 137.115, 143.091, 143.121, and 143.431, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

SB 1375-By Gibbons.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to recording of senate joint resolutions.

SB 1376-By Gibbons.

An Act to repeal sections 578.405, 578.407, 578.409, and 578.412, RSMo, and to enact in lieu thereof four new sections relating to animal research and production facilities, with penalty provisions.

SB 1377-By Bray and Bland.

An Act to repeal section 169.560, RSMo, and to enact in lieu thereof one new section relating to employment of retirees of the public school retirement system.

SB 1378-By Stoll and Cauthorn.

An Act to repeal section 33.103, RSMo, and to enact in lieu thereof one new section relating to cafeteria plans for state employees.

SB 1379-By Cauthorn.

An Act to amend chapter 640, RSMo, by adding thereto two new sections relating to renewable energy.

SB 1380-By Cauthorn.

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to renewable energy.

SB 1381-By Loudon.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the denial of noneconomic damages for injuries occurring during certain motor vehicle violations.

SB 1382-By Quick and Gibbons.

An Act to repeal sections 167.031, 167.051, 211.021, 211.031, 211.032, 211.033, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, 565.020, 565.140, and 565.149, RSMo, and to enact in lieu thereof twenty new sections relating to the age of majority, with penalty provisions.

SB 1383-By Scott.

An Act to amend chapters 226 and 304, RSMo, by adding thereto two new sections relating to commercial motor vehicles.

SB 1384-By Scott.

An Act to repeal sections 104.601 and 104.1021, RSMo, and to enact in lieu thereof two new sections relating to retirement of state officers and employees, with an effective date.

SB 1385-By Scott.

An Act to amend chapter 44, RSMo, by adding thereto four new sections relating to emergency management.

SB 1386-By Scott.

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.021, 130.026, 130.036, 130.046, 130.049, 130.050, and 130.057, RSMo, and to enact in lieu thereof eighteen new section relating to ethics, with penalty provisions.

SB 1387-By Dolan.

An Act to repeal sections 174.050, 174.055, 174.070, 174.241, 174.300, 174.332, 174.450, 174.453, 174.610, 174.620, 174.621, 175.020, 175.021, 175.023, 175.030, 175.040, 178.632, and 178.633, RSMo, and to enact in lieu thereof sixteen new sections relating to student representation on the governing boards of public higher education institutions.

SB 1388-By Dolan.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax claim of right.

SB 1389-By Dolan.

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the use of Social Security numbers, with an effective date.

SB 1390-By Foster.

An Act to repeal section 263.534, RSMo, and to enact in lieu thereof one new section relating to boll weevil eradication.

SB 1391-By Foster.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

SB 1392-By Goode and Dougherty.

An Act to repeal section 334.253, RSMo, and to enact in lieu thereof one new section relating to physical therapists in rehabilitation facilities.

SB 1393-By Vogel.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to memorial highways.

SB 1394-By Vogel.

An Act to repeal sections 32.087, 143.241, 143.782, 144.083, and 144.157, RSMo, and to enact in lieu thereof five new sections relating to tax collection.

SB 1395-By Shields.

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainers tax.

SB 1396-By Shields.

An Act to repeal sections 338.013, 338.055, 338.065, and 338.220, RSMo, and to enact in lieu thereof seven new sections relating to the licensure and regulation of pharmacists, pharmacies, drug distributors and related pharmaceutical services and personnel, with penalty provisions.

SJR 48-By Jacob and Bray.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to powers of the general assembly.

SJR 49-By Klindt.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

SJR 50-By Stoll.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to school district bond elections.

SJR 51-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the budget reserve fund.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 762**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1212**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1243**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 817**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 1085** and **SB 800**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 884**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1188**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1105**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 768**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1166**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1111**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1064**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 974**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1130**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1055**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1280--Ways and Means.

SB 1281--Ways and Means.

SB 1282--Ways and Means.

SB 1283--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1284--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1285--Transportation.

SB 1286--Aging, Families, Mental and Public Health.

SB 1287--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1290--Economic Development, Tourism and Local Government.

SB 1291--Small Business, Insurance and Industrial Relations.

SB 1292--Aging, Families, Mental and Public Health.

SB 1293--Small Business, Insurance and Industrial Relations.

SB 1294--Aging, Families, Mental and Public Health.

SB 1295--Pensions and General Laws.

SB 1296--Economic Development, Tourism and Local Government.

SB 1297--Education.

SB 1298--Ways and Means.

SB 1299--Small Business, Insurance and Industrial Relations.

SB 1300--Small Business, Insurance and Industrial Relations.

SB 1301--Small Business, Insurance and Industrial Relations.

SB 1302--Economic Development, Tourism and Local Government.

SB 1303--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1304--Economic Development, Tourism and Local Government.

SB 1305--Appropriations.

SB 1306--Commerce and the Environment.

SB 1307--Judiciary and Civil and Criminal Jurisprudence.

SB 1308--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1309--Education.

SB 1310--Pensions and General Laws.

SB 1311--Ways and Means.

SB 1312--Ways and Means.

SB 1314--Judiciary and Civil and Criminal Jurisprudence.

SB 1315--Commerce and the Environment.

SB 1316--Education.

SB 1317--Aging, Families, Mental and Public Health.

SB 1318--Judiciary and Civil and Criminal Jurisprudence.

SB 1319--Small Business, Insurance and Industrial Relations.

SB 1320--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1321--Ways and Means.

SB 1322--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1323--Education.

SB 1324--Judiciary and Civil and Criminal Jurisprudence.

SB 1325--Aging, Families, Mental and Public Health.

SB 1326--Transportation.

SB 1327--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1329--Economic Development, Tourism and Local Government.

SB 1330--Aging, Families, Mental and Public Health.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 994--Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1040**--Education.

HCS for **HBs 946, 1106** and **952**-- Transportation.

HCS for **HB 980**--Agriculture, Conservation, Parks and Natural Resources.

HS for **HCS** for **HBs 1268** and **1211**--Small Business, Insurance and Industrial Relations.

THIRD READING OF SENATE BILLS

SCS for **SB 969**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 969

An Act to repeal sections 163.031, 168.500, and 168.515, RSMo, and to enact in lieu thereof four new sections relating to the removal of the proration factor for purposes of calculating career ladder payments.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS** for **SB 969** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland

Bray

Callahan

Cauthorn

Champion

Childers

Clemens

Coleman

Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senator Caskey--1		
	Absent--Senators--None		

Absent with leave--Senator Bartle--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 1038**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1038

An Act to repeal sections 33.103, 166.415, 166.435, 408.032, 408.140, 408.190, 408.232, 432.045, and 443.130, RSMo, and to enact in lieu thereof twenty-six new sections relating to banking.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **SCS** for **SB 1038** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators		
Dougherty	Quick--2		
	Absent--Senators--None		
	Absent with leave--Senator Bartle--1		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SJR 29, introduced by Senator Steelman, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to the Constitution of Missouri relating to marriage.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SJR 29** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Stoll
Stoll			
Vogel--26			
NAYS--Senators			
Bray	Coleman	Days	Goode
Quick			
Wheeler--6			
Absent--Senator Yeckel--1			
Absent with leave--Senator Bartle--1			

The President declared the joint resolution passed.

On motion of Senator Steelman, title to the joint resolution was agreed to.

Senator Steelman moved that the vote by which the joint resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 803, introduced by Senator Gross, entitled:

An Act to repeal section 210.145, RSMo, and to enact in lieu thereof one new section relating to investigations of child abuse and neglect, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 803** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Stoll	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			

Coleman Quick--2
Absent with leave--Senator Bartle--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Coleman	Quick--2		
Absent with leave--Senator Bartle--1			

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 783, introduced by Senator Mathewson, entitled:

An Act to repeal section 262.217, RSMo, and to enact in lieu thereof one new section relating to the state fair commission, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 783** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Coleman--1			
Absent with leave--Senator Bartle--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Jacob--2		
	Absent with leave--Senator Bartle--1		

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 837, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 324.010, RSMo, and to enact in lieu thereof one new section relating to professional licenses.
Was called from the Consent Calendar and taken up.

SCS for **SB 837**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 837

An Act to repeal section 324.010, RSMo, and to enact in lieu thereof one new section relating to professional licenses.
Was taken up.

Senator Caskey moved that **SCS** for **SB 837** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 837** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 859, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the state highway patrol.

Was called from the Consent Calendar and taken up.

SCS for **SB 859**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 859

An Act to repeal section 43.060, RSMo, and to enact in lieu thereof one new section relating to the state highway patrol.

Was taken up.

Senator Klindt moved that **SCS** for **SB 859** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 859** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Dougherty Kennedy--2

Absent with leave--Senator Bartle--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 799, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal section 193.255, RSMo, and to enact in lieu thereof three new sections relating to certification of stillbirth.

Was called from the Consent Calendar and taken up.

SCS for **SB 799**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 799

An Act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof two new sections relating to certificate of birth resulting in stillbirth.

Was taken up.

Senator Steelman moved that **SCS** for **SB 799** be adopted.

At the request of Senator Steelman, the above motion was withdrawn, placing the bill back on the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynthia B. Andrews, D.O., 16335 NW 130th Terrace, Platte City, Platte County, Missouri 64079, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until her successor is duly appointed and qualified; vice, Mark Terry, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bill M. Burch, Democrat, 658 North Ranney, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Development Finance Board, for a term ending September 14, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Corso, 1125 Krug Park Place, St. Joseph, Buchanan County, Missouri 64505, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until his successor is duly appointed and qualified; vice, Richard Guth, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert G. Hughs, 2717 Delaware Street, St. Joseph, Buchanan County, Missouri 64506, as student representative of the Missouri Western State College Board of Regents, for a term ending May 1, 2005, and until his successor is duly appointed and qualified; vice, Kevin Callaway, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John William Jermyn, D.O., F.A.C.E.P., 1235 South Williams, Moberly, Randolph County, Missouri 65270, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marion Spence Pierson, M.D., Democrat, 1916 E. 17th Street, Kansas City, Jackson County, Missouri 64155, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, Ross Marine, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Keith E. Spare, 5128 Brookside Boulevard, Kansas City, Jackson County, Missouri 64112, as a member of the Committee for Professional Counselors, for a term ending August 23, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John D. Starr, Democrat, 833 West 51st Street, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Development Finance

Board, for a term ending September 14, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sherri Talbott, 6113 Queens Court, House Springs, Jefferson County, Missouri 63051, as a member of the Public School Retirement System of Missouri, Board of Trustees, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Lynn Harmon, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1397-By Gibbons, Caskey, Mathewson, Yeckel, Steelman, Gross, Griesheimer, Cauthorn, Loudon, Goode, Bartle, Stoll, Coleman, Quick and Kinder.

An Act to repeal sections 571.030 and 571.107, RSMo, and to enact in lieu thereof two new sections relating to concealed weapons at schools, with penalty provisions.

SB 1398-By Jacob and Kinder.

An Act to repeal sections 8.003, 100.265, and 215.020, RSMo, and to enact in lieu thereof three new sections relating to membership of boards and commissions.

SB 1399-By Kennedy.

An Act to repeal section 379.938, RSMo, and to enact in lieu thereof one new section relating to renewability of health benefit plans.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Steelman, Chairman of the Committee on Commerce and the Environment, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1040**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1400-By Loudon, Yeckel and Gibbons.

An Act to repeal section 340.216, RSMo, and to enact in lieu thereof one new section relating to the practice of veterinary medicine.

RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 1414, regarding Jim Boedeker, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1415, regarding Bernice Meyer, O'Fallon, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1416, regarding Anthony "Tony" Rohe, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1417, regarding James H. "Jim" Howard, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1418, regarding John Prinster, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1419, regarding Ted Kane, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1420, regarding Wayne Warnol, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1421, regarding Dan Murphy, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1422, regarding Larry Luecke, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1423, regarding Charles Halter, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1424, regarding Grant Scharnhorst, Jr., which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Richard Floyd, Concord Village; and Scott Edgar, O'Fallon.

Senator Bray introduced to the Senate, Steve Blackistone, Washington, D.C.

Senator Gibbons introduced to the Senate, Pat Lewis and Edgar Taylor, Kirkwood.

Senator Gross introduced to the Senate, Stewart "Bill" Morton, Maryland Heights.

On behalf of Senator Champion and himself, Senator Dolan introduced to the Senate, Dave Snider, Acting Director,

Missouri Department of Transportation, Jefferson City.

Senator Griesheimer introduced to the Senate, Carol Johnson, Pacific.

Senator Cauthorn introduced to the Senate, Congressman Kenny Hulshof and Eric Feltner, Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIRST DAY-TUESDAY, MARCH 2, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1288-Vogel

SB 1289-Kennedy and Gibbons

SB 1313-Bray

SB 1328-Yeckel

SB 1331-Gibbons

SB 1332-Caskey and Mathewson

SB 1333-Caskey and Shields

SB 1334-Dougherty

SB 1335-Dougherty, et al

SB 1336-Kennedy and Dougherty

SB 1337-Kennedy

SB 1338-Callahan

SB 1339-Callahan

SB 1340-Callahan

SB 1341-Cauthorn, et al

SB 1342-Cauthorn

SB 1343-Champion

SB 1344-Champion

SB 1345-Coleman

SB 1346-Coleman

SB 1347-Coleman

SB 1348-Coleman

SB 1349-Coleman

SB 1350-Stoll

SB 1351-Stoll

SB 1352-Stoll

SB 1353-Bray

SB 1354-Steelman

SB 1355-Days

SB 1356-Jacob and Bray

SB 1357-Jacob and Bray

SB 1358-Jacob and Bray

SB 1359-Jacob and Bray

SB 1360-Jacob

SB 1361-Griesheimer and Loudon

SB 1362-Griesheimer

SB 1363-Griesheimer

SB 1364-Gross

SB 1365-Yeckel, et al

SB 1366-Yeckel

SB 1367-Yeckel

SB 1368-Nodler

SB 1369-Nodler

SB 1370-Nodler

SB 1371-Kinder, et al

SB 1372-Klindt, et al

SB 1373-Bartle

SB 1374-Gibbons

SB 1375-Gibbons

SB 1376-Gibbons

SB 1377-Bray and Bland

SB 1378-Stoll and Cauthorn

SB 1379-Cauthorn

SB 1380-Cauthorn

SB 1381-Loudon

SB 1382-Quick and Gibbons

SB 1383-Scott

SB 1384-Scott

SB 1385-Scott

SB 1386-Scott

SB 1387-Dolan

SB 1388-Dolan

SB 1389-Dolan

SB 1390-Foster

SB 1391-Foster

SB 1392-Goode and Dougherty

SB 1393-Vogel

SB 1394-Vogel

SB 1395-Shields

SB 1396-Shields

SB 1397-Gibbons, et al

SB 1398-Jacob and Kinder

SB 1399-Kennedy

SB 1400-Loudon, et al

SJR 48-Jacob and Bray

SJR 49-Klindt

SJR 50-Stoll

SJR 51-Goode

THIRD READING OF SENATE BILLS

SB 870-Bartle

SCS for SB 700-Russell (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SBs 740, 886 & 1178-Klindt, with SCS

SB 755-Shields, with SCS

SB 1122-Shields, with SCS

SB 920-Caskey

SB 937-Gross, with SCS

SB 968-Shields, with SCS

SB 1045-Kinder, et al, with SCS

SB 754-Vogel, with SCS

SB 1160-Shields, et al, with SCS

SB 1040-Griesheimer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 24 (pending)

SB 718-Yeckel, et al

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 1123-Gibbons, et al

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 827-Bartle, with SCS

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 921-Caskey, with SCS

SRB 1108-Bartle

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 1188-Loudon, with SCS

SB 1105-Shields, with SCS

SB 768-Nodler

SJR 24-Caskey and Bartle, with SCS

SB 1166-Caskey

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler

House Bills

Reported 2/23

HCS for HBs 950 & 948 (Childers)

RESOLUTIONS

To be Referred

SCR 42-Bray

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY--TUESDAY, MARCH 2, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"You bestow on him blessings forever; you make him glad with the joy of your presence." (Psalm 21:6)

Almighty God, we are grateful for the blessings we experience every day for they remind us to do good to those whom You have made us responsible. We are thankful for Your presence in our lives for it brings joy to our hearts, help us to share that joy with others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 1425, regarding Bruce R. Williams, D.O., Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1426, regarding Austin James "AJ" Marlin, Lee's Summit, which was adopted.

Senator Nodler offered Senate Resolution No. 1427, regarding Larry Neff, Neosho, which was adopted.

Senator Nodler offered Senate Resolution No. 1428, regarding Rudy Farber, Neosho, which was adopted.

Senator Vogel offered Senate Resolution No. 1429, regarding Jeffrey Michael Wilson, Jefferson City, which was adopted.

Senator Childers offered Senate Resolution No. 1430, regarding the Christian Associates of Table Rock Lake, Kimberling City, which was adopted.

Senator Shields offered Senate Resolution No. 1431, regarding Brent McCauley, St. Joseph, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SCR 42** and **SCR 43**, to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Pages 502-504 of the Senate Journal for Monday, March 1, 2004, to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 6, 2004 for your advice and consent:

Suzanne Wells, R.N., 534 Sheffield, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2006, and until her successor is duly appointed and qualified; vice, Suzanne Wells, R.N., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 740**, **SB 886** and **SB 1178**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 740, 886** and **1178**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 740, 886 and 1178

An Act to repeal sections 148.330, 348.406, 348.410, 348.412, 348.430, and 348.432, RSMo, and to enact in lieu thereof nineteen new sections relating to agriculture programs.

Was taken up.

Senator Klindt moved that **SCS** for **SBs 740, 886 and 1178** be adopted.

Senator Klindt offered **SS** for **SCS** for **SBs 740, 886 and 1178**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 740, 886 and 1178

An Act to repeal sections 148.330, 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, 348.406, 348.410, 348.412, 348.430, and 348.432, RSMo, and to enact in lieu thereof nineteen new sections relating to agriculture programs.

Senator Klindt moved that **SS** for **SCS** for **SBs 740, 886 and 1178** be adopted.

Senator Klindt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Page 4, Section 261.115, Line 25, by inserting at the end of said line the following: "**except for the amount and recipient of any loan or grant from a program administered by the authority,**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Page 3, Section 148.330, Line 18, by inserting immediately after the word "established.", the following: "**For all fiscal years beginning on or after July 1, 2004,**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Page 22, Section 348.432, Line 5, by inserting immediately after all of said line the following:

"Section 1. 1. If a refund mandated under article X, section 18, of the Missouri Constitution from the following funds:

(1) The water and wastewater loan fund established pursuant to section 644.122, RSMo;

(2) The water pollution permit fee subaccount of the natural resources protection fund established in section 640.220;

(3) The water and wastewater loan revolving funds; or

(4) Any fund established by the office of administration for the sole purpose of receiving and distributing state match bond proceeds for the department of natural resources' state revolving fund programs established pursuant to the federal Clean Water Act, the federal Safe Drinking Water Act, or any federal regulation authorized under either federal act; would violate the federal Clean Water Act, the federal Safe Drinking Water Act, or any federal regulation authorized under either federal act, the department of natural resources shall identify an equal amount from other funds appropriated to the department.

2. The commissioner of administration shall transfer the funds identified by the department, that would otherwise be transferred from the funds identified in subsection 1 of this section, to the state general revenue fund for any refund that occurs after August 28, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Page 11, Section 261.289, Line 6 of said page, by inserting after all of said line, the following:

"263.534. 1. A cotton grower who fails to pay, when due and upon reasonable notice, any assessment levied under sections 263.500 to 263.537, shall be subject to a per-acre penalty as established in the department's regulations, in addition to the assessment.

2. A cotton grower who fails to pay all assessments, including penalties, within thirty days of notice of penalty, shall destroy any cotton plants growing on his acreage which is subject to the assessment. Any such cotton plants which are not destroyed shall be deemed to be a public nuisance, and such public nuisance may be abated in the same manner as any public nuisance.

3. The department may petition the circuit court of the judicial circuit in which the public nuisance is located to have the nuisance condemned and destroyed with all costs of destroying to be levied against the grower. Injunctive relief shall be available to the department notwithstanding the existence of any other legal remedy, and the department shall not be required to file a bond.

4. In addition to any other remedies for the collection of assessments, including penalties **and interest**, the department [may secure a lien upon cotton subject to such assessments] **shall have an assessment lien that attaches and is perfected sixty days after the date the department mails notice of the assessment and shall cover any cotton crop grown by the grower, including future crops, and the proceeds of the cotton sale, until the assessment, including penalties and interest, is paid in full. The department shall notify the farm service agency and first handlers of cotton, including buyers, lienholders on the cotton, and ginners, of liens attached within thirty days of the date of perfections. This assessment lien is not an agricultural lien for purposes of, and is not subject to the provisions of Article 9 of the Uniform Commercial Code-Secured Transactions, as embodied in sections 400.9-101 to 400.9-508, RSMo. Such lien shall attach in preference to any prior lien, encumbrance or mortgage upon such cotton."**; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Page 15, Section 348.430, Line 28, by striking the words "or estimated quarterly tax"; and

Further amend page 16, said section, lines 3-5, by striking all of said lines and inserting in lieu thereof the following: "percent of such contribution. The"; and

Further amend page 19, section 348.432, line 21, by striking "or estimated"; and

Further amend said page and section, line 22, by striking "quarterly tax"; and

Further amend page 20, section 348.432, line 1, by striking "or estimated"; and

Further amend said page and section, line 2, by striking "quarterly tax"; and

Further amend said page and section, lines 6-9, by striking all of said lines and inserting in lieu thereof the following: "investment or fifteen thousand dollars.".

Senator Jacob moved that the above amendment be adopted.

Senator Klindt requested a roll call vote be taken on the adoption of **SA 5** and was joined in his request by Senators Cauthorn, Clemens, Griesheimer and Nodler.

SA 5 failed of adoption by the following vote:

	YEAS--Senators		
Caskey	Dougherty	Goode	Jacob
Kennedy	Quick	Wheeler--7	
	NAYS--Senators		
Bartle	Callahan	Cauthorn	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	Absent--Senators		
Bland	Bray	Champion	Coleman
Days	Dolan	Stoll--7	
	Absent with leave--Senators--None		

Senator Klindt moved that **SS** for **SCS** for **SBs 740, 886 and 1178**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SS** for **SCS** for **SBs 740, 886 and 1178**, as amended, was declared perfected and ordered printed.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

Photographers from the Chart, MSSU, Joplin and KOMU-TV were given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS** for **SB 700**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Marion Spence Pierson, M.D. for the Missouri Health Facilities Review Committee, submitted to you on February 26, 2004. Line 3 and 4 should be amended to read:

Missouri Health Facilities Review Committee, for a term ending January 1, 2006, and until her successor is duly appointed and

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above addendum to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 755**, with **SCS**, was placed on the Informal Calendar.

Senator Shields moved that **SB 1122**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1122**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1122

An Act to repeal sections 332.051, 332.071, 332.081, 332.111, and 332.121, RSMo, and to enact in lieu thereof six new sections relating to the practice of dentistry, with penalty provisions.

Was taken up.

Senator Shields moved that **SCS** for **SB 1122** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 1122**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1122

An Act to repeal sections 332.051, 332.071, 332.081, 332.111, 332.121, and 334.100, RSMo, and to enact in lieu thereof seven new sections relating to professional licensing, with penalty provisions.

Senator Shields moved that **SS** for **SCS** for **SB 1122** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Pages 5-6, Section 332.081, Lines 55-62, by striking all of said lines and inserting in lieu thereof the following: "RSMo."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 8, Section 332.081, Lines 6-9, by striking the words "**to medicaid recipients, low-income individuals who have available income below two hundred percent of the federal poverty level, and participants in the SCHIP Program**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Coleman and Quick.

SA 2 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Quick	Wheeler--11	
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Vogel
Yeckel--21			
	Absent--Senators		
Russell	Stoll--2		
	Absent with leave--Senators--None		

Senator Shields offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 7, Section 332.081, Line 26, by striking the word "subsection" and inserting in lieu thereof the following: "**subdivision**".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 8, Section 332.081, Line 11, by inserting after the word "to" the following: "**a migrant, community, or health care for the homeless health center provided for in section 330 of the Public Health Services Act (42 U.S.C. 254b) or a federally qualified health center as defined in section 1905(1) of the Social Security Act (42 U.S.C. 1396d(1)) or**".

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Shields, **SB 1122**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HBs 950** and **948**, entitled:

An Act to repeal sections 48.020 and 48.030, RSMo, and to enact in lieu thereof two new sections relating to classifications of counties, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HCS** for **HBs 950** and **948** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Gross--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 1432, regarding the Hollister Police Department, Hollister, which was adopted.

Senator Kennedy offered Senate Resolution No. 1433, regarding Guy Phillips, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1434, regarding Katherine Elizabeth Troup, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 1435, regarding JoBeth Black, Wildwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1436, regarding Jessica Donovan, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1437, regarding Kimberly Jeske, Kirkwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1438, regarding Lindsay Puckett, Hazelwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1439, regarding Becky Gettinger, Ste. Genevieve, which was adopted.

Senator Yeckel offered Senate Resolution No. 1440, regarding Cassandra Sissom, Ellisville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1441, regarding Sara Prior, Warrenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1442, regarding Jennifer Grizzle, Fenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1443, regarding Megan Shipley, Fenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1444, regarding Jacqueline Sue Schepers, Fenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1445, regarding Lauren Elizabeth Avery, Ellisville, which was adopted.

Senator Yeckel offered Senate Resolution No. 1446, regarding Dana Unger, Ferguson, which was adopted.

Senator Yeckel offered Senate Resolution No. 1447, regarding Michelle M. Irvin, Ballwin, which was adopted.

Senator Vogel offered Senate Resolution No. 1448, regarding Ethan King, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1449, regarding Adam Replogle, Jefferson City, which was adopted.

Senator Bartle offered Senate Resolution No. 1450, regarding the Blue Springs High School Boys State Champion Swimming and Diving Team, Blue Springs, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Clemens and herself, Senator Champion introduced to the Senate, Dr. Anson Elliott, Dr. Bruce Johnson, Chris Eggerman and Kara Hawkins, Springfield.

Senator Yeckel introduced to the Senate, Bill Steis, and his son, Tommy, St. Louis; and Tommy was made an honorary page.

Senator Kinder introduced to the Senate, Mark Bowles, Pete Frazier, Trish Schneider, Scott Sanders, Pat Renard and Cheryl Smith, Cape Girardeau.

Senator Foster introduced to the Senate, Ben Counts, Brenton Miller, Terry Smith and John Hayes from Caruthersville Middle School, Caruthersville.

Senator Russell introduced to the Senate, Howell Valley R-I Parents as Teachers, Gail Miller, Lebanon; and Casus and Helen Baird, West Plains.

Senator Russell introduced to the Senate, Kathy Baker and Nancy Grimm, Plato R-V School Parents as Teachers; and Nancy was made an honorary page.

Senator Kinder introduced to the Senate, Lynn Davis, Mike Miles, Dorothy Hutcheson, Karen Hanor, Brandon Gregory and Donna Smith, teachers from East Prairie School District.

Senator Russell introduced to the Senate, Kim Light, Lesli Reid, Lance Boyer and Craig Curry, Lebanon; and Angie Atkinson, Conway.

Senator Mathewson introduced to the Senate, students from Brunswick and Salisbury Schools; and Allison Kays, Jenny Miller, Keli Miller and Kimberly Heishman were made honorary pages.

Senator Yeckel introduced to the Senate, Gayle Merz and twenty fifth grade students from St. Catherine Laboure School, St Louis; and Jennie Doder, Rachel Minton, Kelsey Byland and Brittany Weiss were made honorary pages.

Senator Yeckel introduced to the Senate, Barb Ehlen and Debbie Moore, Mehlville School District Parents as Teachers, St. Louis.

Senator Caskey introduced to the Senate, thirty students, faculty and parents from Central Missouri State University, Warrensburg.

Senator Kennedy introduced to the Senate, Dr. Daniel Armbruster, St. Louis.

Senator Griesheimer introduced to the Senate, Nancy Hotze, Linda Pahl, Chrissy Meininger, Jean Dupre and Elizabeth Verharst, Meramec Valley R-III, Pacific; and Julie Jensen and Debra Smith McCutchen, Wildwood.

Senator Klindt introduced to the Senate, Arley Larson, Lacy Friedrich, Kim Weis, Chris Newton, Jason Vandivort, Jake Vossenkemper and Amanda Bohannon, Northwest Missouri State University, Maryville.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Erik J. Lindbloom, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY-WEDNESDAY, MARCH 3, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1288-Vogel

SB 1289-Kennedy and Gibbons

SB 1313-Bray

SB 1328-Yeckel

SB 1331-Gibbons

SB 1332-Caskey and Mathewson

SB 1333-Caskey and Shields

SB 1334-Dougherty

SB 1335-Dougherty, et al

SB 1336-Kennedy and Dougherty

SB 1337-Kennedy

SB 1338-Callahan

SB 1339-Callahan

SB 1340-Callahan

SB 1341-Cauthorn, et al

SB 1342-Cauthorn

SB 1343-Champion

SB 1344-Champion

SB 1345-Coleman

SB 1346-Coleman

SB 1347-Coleman

SB 1348-Coleman

SB 1349-Coleman

SB 1350-Stoll

SB 1351-Stoll

SB 1352-Stoll

SB 1353-Bray

SB 1354-Steelman

SB 1355-Days

SB 1356-Jacob and Bray

SB 1357-Jacob and Bray

SB 1358-Jacob and Bray

SB 1359-Jacob and Bray

SB 1360-Jacob

SB 1361-Griesheimer and Loudon

SB 1362-Griesheimer

SB 1363-Griesheimer

SB 1364-Gross

SB 1365-Yeckel, et al

SB 1366-Yeckel

SB 1367-Yeckel

SB 1368-Nodler

SB 1369-Nodler

SB 1370-Nodler

SB 1371-Kinder, et al

SB 1372-Klindt, et al

SB 1373-Bartle

SB 1374-Gibbons

SB 1375-Gibbons

SB 1376-Gibbons

SB 1377-Bray and Bland

SB 1378-Stoll and Cauthorn

SB 1379-Cauthorn

SB 1380-Cauthorn

SB 1381-Loudon

SB 1382-Quick and Gibbons

SB 1383-Scott

SB 1384-Scott

SB 1385-Scott

SB 1386-Scott

SB 1387-Dolan

SB 1388-Dolan

SB 1389-Dolan

SB 1390-Foster

SB 1391-Foster

SB 1392-Goode and Dougherty

SB 1393-Vogel

SB 1394-Vogel

SB 1395-Shields

SB 1396-Shields

SB 1397-Gibbons, et al

SB 1398-Jacob and Kinder

SB 1399-Kennedy

SB 1400-Loudon, et al

SJR 48-Jacob and Bray

SJR 49-Klindt

SJR 50-Stoll

SJR 51-Goode

THIRD READING OF SENATE BILLS

SB 870-Bartle

SCS for SB 700-Russell

SENATE BILLS FOR PERFECTION

SB 920-Caskey

SB 937-Gross, with SCS

SB 968-Shields, with SCS

SB 1045-Kinder, et al, with SCS

SB 754-Vogel, with SCS

SB 1160-Shields, et al, with SCS

SB 1040-Griesheimer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 24 (pending)

SB 718-Yeckel, et al

SB 755-Shields, with SCS

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 1122-Shields, with SCS &

SS for SCS (pending)

SB 1123-Gibbons, et al

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 827-Bartle, with SCS

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS

SB 1107-Shields

SB 1106-Shields, with SCS

SB 921-Caskey, with SCS

SRB 1108-Bartle

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 1188-Loudon, with SCS

SB 1105-Shields, with SCS

SB 768-Nodler

SJR 24-Caskey and Bartle, with SCS

SB 1166-Caskey

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SECOND DAY--WEDNESDAY, MARCH 3, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"Only fear the Lord, and serve him faithfully with all your heart; for consider what great things he has done for you." (I Samuel 12:24)

Heavenly Father, we began this day in prayer and heard Your message, reminding us of all You have done for us though we are unworthy. Yet You have made us worthy and competent to do what is required of us for which we give You thanks and praise. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Yeckel offered the following resolution:

SENATE RESOLUTION NO. 1451

WHEREAS, the citizens of the state of Missouri have seen an untenable level of violent crime throughout the past several years; and

WHEREAS, statistics indicate that certain cities within the state of Missouri have rates of violent crime which are among the highest in the nation:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, hereby establish the "Interim Committee on Violent Crime"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate to be appointed by the President Pro Tem of the Senate, and no more than three members of such committee shall be from the same political party; and

BE IT FURTHER RESOLVED that the Committee shall conduct an in-depth study on the causes, issues related to, and the resulting effects of violent crime within Missouri and discover methods of reducing such crime in order to improve the safety and

quality of life for citizens within this state; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staff of Senate Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri Senate prior to the commencement of the First Regular Session of the Ninety-Third General Assembly.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 740, 886 and 1178**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 920** be taken up for perfection, which motion prevailed.

On motion of Senator Caskey, **SB 920** was declared perfected and ordered printed.

SB 937, with **SCS**, was placed on the Informal Calendar.

SB 968, with **SCS**, was placed on the Informal Calendar.

Senator Gross moved that **SB 937**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 937**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 937

An Act to amend chapter 28, RSMo, by adding thereto two new sections relating to the Missouri catalog of assistance programs, with sunset provisions.

Was taken up.

Senator Childers assumed the Chair.

Senator Nodler assumed the Chair.

Senator Gross moved that **SCS** for **SB 937** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 937, Page 1, Section 28.750, Line 1, by striking the words "secretary of state" and insert in lieu thereof the following: "**office of administration**"; and further amend page 2, line 21, by striking the words "secretary of state, or the secretary's designee" and insert in lieu thereof the following: "**commissioner of the office of administration, or the commissioner's designee**"; and further amend line 37, by striking the words "secretary of state" and inserting in lieu thereof the following: "**office of administration**"; and further amend line 43, by striking the words "secretary of state's office" and inserting in lieu thereof the following: "**office of administration**"; and further amend page 3, line 77, by striking the words "secretary of state's office" and inserting in lieu thereof the following: "**office of administration**"; and further amend line 84, by striking the words "secretary of state's office" and inserting in lieu thereof the following: "**office of administration**"; and further amend page 4, line 90, by striking the words "secretary of state" and inserting in lieu thereof the following: "**office of administration**"; and further amend lines 93-94, by striking the words "secretary of state. The secretary of state, in conjunction with the office of administration" and insert in lieu thereof the following: "**office of administration. The office of administration**"; and further amend line 102, by striking the words "secretary of state" and insert in lieu thereof the following: "**office of administration**"; and further amend lines 103-104, by striking the words "secretary of state" and insert in lieu thereof the following: "**office of administration**".

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **SB 937**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 937**, as amended, was declared perfected and ordered printed.

Senator Kinder moved that **SB 1045**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1045**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1045

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to the burning of crosses, with penalty provisions.

Was taken up.

Senator Kinder moved that **SCS** for **SB 1045** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SB 1045** was declared perfected and ordered printed.

Senator Shields moved that **SB 968**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 968**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 968

An Act to repeal section 168.124, RSMo, and to enact in lieu thereof one new section relating to reduction in teacher forces.

Was taken up.

Senator Shields moved that **SCS** for **SB 968** be adopted.

Senator Gross assumed the Chair.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 968, Page 2, Section 168.124, Line 31, by inserting after all of said line the following:

"3. If a school district reduces staff due to the financial condition of the district, the school district shall solely follow the procedures provided in subsection 1 of this section."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 968, Page 2, Section 168.124, Line 23, by inserting after all of said line the following:

"2. Should a board of education choose to utilize the mechanism for reducing teacher forces as provided in subsection 1 of this section in an attempt to manage adverse financial conditions caused at least partially by a withholding of, or a decrease or less than expected increase in, education appropriations, then the district additionally shall follow the provisions of subsection 3 of this section."; and

Further amend said section, by renumbering the remaining subsection accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Gross assumed the Chair.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 968, Page 1, Section A, Line 2, by inserting after all of said line, the following:

"168.081. [After September 1, 1988,] No person without a valid Missouri certificate shall:

(1) Engage in the practice of teaching or the performance of education duties in grades [kindergarten] pre-kindergarten through twelve in any public school in the state;

(2) Act as a school administrator in any public school district, unless such person obtains a temporary administrator certificate pursuant to section 168.083."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Cauthorn, **SA 3** was withdrawn, rendering the point of order moot.

At the request of Senator Shields, **SB 968**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1452, regarding Lieutenant Richard T. Hogan, St. Charles, which was adopted.

Senator Loudon offered Senate Resolution No. 1453, regarding Barbara Jane Haney, Maryland Heights, which was adopted.

Senator Scott offered Senate Resolution No. 1454, regarding Henry Hungerbeeler, Jefferson City, which was adopted.

Senator Callahan offered Senate Resolution No. 1455, regarding Ronald E. Stobart, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1456, regarding Jon Wayne Ashley, Kansas City, which was adopted.

Senator Callahan offered Senate Resolution No. 1457, regarding Larry N. Blick, Independence, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 920**; **SCS** for **SB 1045**; and **SCS** for **SB 937**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 878, with **SCS**, introduced by Senator Goode, et al, entitled:

An Act to repeal section 393.310, RSMo, and to enact in lieu thereof one new section relating to gas corporations and experimental tariffs, with a termination date.

Was called from the Consent Calendar and taken up by Senator Goode.

SCS for **SB 878**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 878

An Act to repeal section 393.310, RSMo, and to enact in lieu thereof one new section relating to gas corporations and experimental tariffs, with a termination date.

Was taken up.

Senator Goode moved that **SCS** for **SB 878** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 878** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Scott	Shields
Steelman	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan	Jacob	Mathewson
Russell	Stoll	Vogel	Wheeler--8
Absent with leave--Senators--None			

Senator Childers assumed the Chair.

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1197, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to recreational district board members.

Was called from the Consent Calendar and taken up.

SCS for **SB 1197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1197

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to recreational district board members.

Was taken up.

Senator Quick moved that **SCS** for **SB 1197** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 1197** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bland	Dolan	Jacob	Mathewson
Stoll	Vogel	Wheeler--7	

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 827, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal section 512.020, RSMo, and to enact in lieu thereof one new section relating to interlocutory appeals in class actions.

Was called from the Consent Calendar and taken up.

SCS for **SB 827**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 827

An Act to repeal section 512.020, RSMo, and to enact in lieu thereof one new section relating to interlocutory appeals in class actions.

Was taken up.

Senator Bartle moved that **SCS** for **SB 827** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 827** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Yeckel--28

NAYS--Senators--None

	Absent--Senators		
Bland	Jacob	Mathewson	Stoll
Vogel	Wheeler--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1107, introduced by Senator Shields, entitled:

An Act to authorize the governor to convey a tract of land owned by the state to the St. Joseph School District.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 1107** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Stoll	Wheeler--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1106, with **SCS**, introduced by Senator Shields, entitled:

An Act to authorize the governor to convey a tract of land owned by the state to the St. Joseph Museum, Inc., with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 1106**, entitled:

SENATE BILL NO. 1106

An Act to authorize the governor to convey a tract of land owned by the state to the St. Joseph Museum, Inc., with an emergency clause.

Was taken up.

Senator Shields moved that **SCS** for **SB 1106** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 1106** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Stoll	Wheeler--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Stoll	Wheeler--3	
	Absent with leave--Senators--None		

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 921, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 217.375, RSMo, and to enact in lieu thereof one new section relating to administrative

segregation of offenders.

Was called from the Consent Calendar and taken up.

SCS for **SB 921**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 921

An Act to repeal section 217.375, RSMo, and to enact in lieu thereof one new section relating to administrative segregation of offenders, with an emergency clause.

Was taken up.

Senator Caskey moved that **SCS** for **SB 921** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 921** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Yeckel--29			

NAYS--Senator Bland--1

Absent--Senators

Bray	Mathewson	Stoll	Wheeler--4
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Nodler	Quick	Scott	Shields
Steelman	Vogel	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bland	Bray	Kinder	Mathewson
Russell	Stoll	Wheeler--7	

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SRB 1108, introduced by Senator Bartle, entitled:

An Act to repeal sections 72.424, 105.268, 144.036, 277.200, 277.201, 277.202, 277.206, 277.209, 277.212, 277.215, 319.023, 400.9-629, and 620.1310, RSMo, for the purpose of repealing expired and outdated sections.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SRB 1108** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Mathewson	Stoll
Wheeler--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Vogel moved that **SB 754**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 754**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 754

An Act to repeal sections 67.793 and 67.799, RSMo, and to enact in lieu thereof three new sections relating to the creation of exhibition center and recreational facility districts.

Was taken up.

Senator Vogel moved that **SCS** for **SB 754** be adopted.

Senator Kennedy offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 754, Page 5, Section 67.2000, Line 4, by inserting immediately after the word "within" the following: "**any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants,**".

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 754, Page 5, Section 67.799, Line 59, by inserting immediately after said line the following:

"67.1706. The metropolitan district shall have as its [primary] duty the development, operation and maintenance of a public system of interconnecting trails and parks throughout the counties comprising the district. **Nothing in this section shall restrict the district's entering into and initiating projects dealing with parks not necessarily connected to trails.** The metropolitan district shall supplement but shall not substitute for the powers and responsibilities of the other parks and recreation systems within the metropolitan district **or other conservation and environmental regulatory agencies** and shall have the power to contract with other parks and recreation systems as well as with other public and private entities. **Nothing in this section shall give the metropolitan district authority to regulate water quality, watershed or land use issues in the counties comprising the district.**

67.1754. The sales tax authorized in sections 67.1712 to 67.1721 shall be collected and allocated as follows:

(1) Fifty percent of the sales taxes collected from each county shall be deposited in the metropolitan park and recreational fund to be administered by the board of directors of the district to pay costs associated with the establishment, administration, operation and maintenance of public recreational facilities, parks, and public recreational grounds associated with the district. Costs for office administration beginning in the second fiscal year of district operations may be up to but shall not exceed fifteen percent of the amount deposited pursuant to this subdivision;

(2) Fifty percent of the sales taxes collected from each county shall be returned to the source county for park purposes, except that forty percent of such fifty percent amount shall be reserved for distribution to municipalities within the county in the form of grant revenue sharing funds. Each county in the district shall establish its own process for awarding the grant proceeds to its municipalities for park purposes **provided the purposes of such grants are consistent with the purpose of the district.** In the case of a county of the first classification with a charter form of government having a population of at least nine hundred thousand inhabitants, such grant proceeds shall be awarded to municipalities by a municipal grant commission as described in section 67.1757."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Vogel moved that **SCS for SB 754**, as amended, be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS for SB 754**, as amended, was declared perfected and ordered printed.

Senator Shields moved that **SB 1160**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 1160, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1160

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program, with penalty provisions for a certain section.

Was taken up.

Senator Shields moved that **SCS** for **SB 1160** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1160, Page 3, Section 196.979, Lines 29-30, by striking "The resale of any donated prescription drugs pursuant to sections 196.970 to 196.984 is a class D felony." and inserting in lieu thereof the following: "**Any individual who knowingly resells any donated prescription drugs pursuant to sections 196.970 to 196.984 shall be guilty of a class D felony.**".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1160, Page 4, Section 196.981, Line 23, by inserting after all of said line the following:

"3. Notwithstanding the provisions of this section, a person or entity otherwise immunized by this section is not immunized from claims for injury, death, or loss of property arising from the donation, acceptance, or dispensing of prescription drugs deposited through this program which are defective or which do not comply with the prescription pursuant to which the drugs are dispensed."

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SCS** for **SB 1160**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 1160**, as amended, was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 1040**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1040**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1040

An Act to repeal sections 260.370, 260.375, 260.380, 260.475, and 260.479, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste management, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 1040** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1040** was declared perfected and ordered printed.

Senator Gibbons moved that **SB 1123** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Gibbons, **SB 1123** was declared perfected and ordered printed.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1458, regarding National Nurses Week, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Samantha Stidham, Lee's Summit.

Senator Klindt introduced to the Senate, Heather Witmer, Polo; Hanna Smith, Braymer; and Kyle French, Jefferson City.

Senator Childers introduced to the Senate, Smatha Horner, Cassville.

Senator Scott introduced to the Senate, Jennifer Elliott and Betty Cooper, Windsor.

On behalf of Senator Scott and himself, Senator Mathewson introduced to the Senate, Christina Holt, La Monte.

Senator Kennedy introduced to the Senate, Amanda Wichern, Ste. Genevieve.

Senator Caskey introduced to the Senate, Elizabeth Simmons, Holden; and Alan Breshears, Jefferson City.

Senator Cauthorn introduced to the Senate, Ashley Secoy, Shelby.

On behalf of Senator Jacob and himself, Senator Kennedy introduced to the Senate, Robert Whitlock, Columbia.

On behalf of Senator Nodler, the President introduced to the Senate, Rudy Farber, Neosho.

On behalf of Senator Nodler, the President introduced to the Senate, Kristin Patterson, Granby; and Dustin Lattimer, Carl Junction.

Senator Yeckel introduced to the Senate, Leslie Farr, St. Louis County.

Senator Bartle introduced to the Senate, the 2004 State Champion Blue Springs High School Wildcat Swimming and Diving Team: Kyle Ayres, Kevin Bigham, Aaron Broadus, Zach Burr, Brandon Floyd, Josh Ghasemi, Kevin Gurauskas, Chris Hefner, Kevin Johnson, Jeff Patterson, Jason Stokes, Joel Joplin and David Legler and Coaches Bill Shalley, Melissa Jackson and Robert Sturman.

Senator Steelman introduced to the Senate, Anna Whatley, Bourbon.

Senator Bray introduced to the Senate, Melissa Reed, Mitzi Cook, and fourth and fifth grade students from KCA Christian School, Overland.

Senator Klindt introduced to the Senate, Haleigh Tague and Whitney Wright, Gallatin.

Senator Gibbons introduced to the Senate, David Clay, Glendale.

Senator Kinder introduced to the Senate, Mark Van Es, Zalma.

On behalf of Senator Gross, the President introduced to the Senate, Jasmine Park, Nicole Massarand, Kathleen Dozier and Julie Dozier, Harvest Ridge; and Jasmine, Nicole and Kathleen were made honorary pages.

Senator Gibbons introduced to the Senate, Wayne Ellenberger, Kirkwood.

Senator Caskey introduced to the Senate, sixth, seventh and eighth grade students and teachers from Harmony School,

Bates County; and Dwayne Goossen, Rusty Dirks and Trenton Base were made honorary pages.

Senator Griesheimer introduced to the Senate, representatives of Missouri Beer Wholesalers Association.

Senator Bartle introduced to the Senate, representatives of Teen Pact, Jackson County.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Hal Williamson, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY-THURSDAY, MARCH 4, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1288-Vogel

SB 1289-Kennedy and Gibbons

SB 1313-Bray

SB 1328-Yeckel

SB 1331-Gibbons

SB 1332-Caskey and Mathewson

SB 1333-Caskey and Shields

SB 1334-Dougherty

SB 1335-Dougherty, et al

SB 1336-Kennedy and Dougherty

SB 1337-Kennedy

SB 1338-Callahan

SB 1339-Callahan

SB 1340-Callahan

SB 1341-Cauthorn, et al

SB 1342-Cauthorn

SB 1343-Champion

SB 1344-Champion

SB 1345-Coleman

SB 1346-Coleman

SB 1347-Coleman

SB 1348-Coleman

SB 1349-Coleman

SB 1350-Stoll

SB 1351-Stoll

SB 1352-Stoll

SB 1353-Bray

SB 1354-Steelman

SB 1355-Days

SB 1356-Jacob and Bray

SB 1357-Jacob and Bray

SB 1358-Jacob and Bray

SB 1359-Jacob and Bray

SB 1360-Jacob

SB 1361-Griesheimer and Loudon

SB 1362-Griesheimer

SB 1363-Griesheimer

SB 1364-Gross

SB 1365-Yeckel, et al

SB 1366-Yeckel

SB 1367-Yeckel

SB 1368-Nodler

SB 1369-Nodler

SB 1370-Nodler

SB 1371-Kinder, et al

SB 1372-Klindt, et al

SB 1373-Bartle

SB 1374-Gibbons

SB 1375-Gibbons

SB 1376-Gibbons

SB 1377-Bray and Bland

SB 1378-Stoll and Cauthorn

SB 1379-Cauthorn

SB 1380-Cauthorn

SB 1381-Loudon

SB 1382-Quick and Gibbons

SB 1383-Scott

SB 1384-Scott

SB 1385-Scott

SB 1386-Scott

SB 1387-Dolan

SB 1388-Dolan

SB 1389-Dolan

SB 1390-Foster

SB 1391-Foster

SB 1392-Goode and Dougherty

SB 1393-Vogel

SB 1394-Vogel

SB 1395-Shields

SB 1396-Shields

SB 1397-Gibbons, et al

SB 1398-Jacob and Kinder

SB 1399-Kennedy

SB 1400-Loudon, et al

SJR 48-Jacob and Bray

SJR 49-Klindt

SJR 50-Stoll

SJR 51-Goode

THIRD READING OF SENATE BILLS

SB 870-Bartle

SCS for SB 700-Russell

SS for SCS for SBs 740, 886

& 1178-Klindt

SB 920-Caskey

SCS for SB 1045-Kinder, et al

SCS for SB 937-Gross

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 24 (pending)

SB 718-Yeckel, et al

SB 755-Shields, with SCS

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 968-Shields, with SCS (pending)

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 1122-Shields, with SCS

& SS for SCS (pending)

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 1188-Loudon, with SCS

SB 1105-Shields, with SCS

SB 768-Nodler

SJR 24-Caskey and Bartle, with SCS

SB 1166-Caskey

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler

RESOLUTIONS

To be Referred

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-THIRD DAY--THURSDAY, MARCH 4, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"You show me the path of life. In your presence there is fullness of you; in your right hand are pleasures forevermore." (Psalm 16:11)

Creator God, in our daily lives we experience You and know life and the fullness of Your joy. As we complete our work and return to loved ones make us mindful of the gifts they are in our lives and the completeness they bring to us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

The Senate observed a moment of prayer, offered by Senator Nodler, for Don Rackers.

RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 1459, regarding Mayor Thomas W. "Tom" Brown, St. Peters, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Andrew E. Gray, Jr., as a member of the Unmarked Human Burial Consultation Committee;

Also,

Christi Anne Checkett, as a member of the Missouri Commission on Human Rights;

Also,

Terry D. Milam and Sheldon Lee Lineback, as members of the Amber Alert System Oversight Commission;

Also,

Lorna R. Cockrum, as a member of the Missouri Community Service Commission;

Also,

Erwin P. Gadd, as a public member and Barry J. Drucker, as a member of the State Milk Board;

Also,

Gail McCann Beatty, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Stacy A. Mangum, appointed and reappointed, as a member of the Drug Utilization Review Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1180**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 1027** and **SB 896**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 988**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which were referred **SB 1069, SB 1068, SB 1025, SB 1005** and **SB 1089**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 809**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 1182**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1232**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1081**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1141**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 960**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which were referred **SB 1233, SB 840** and **SB 1043**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 710**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1166**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate

Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SJR 24**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1188**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1105**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 817**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, underage drinking is an issue of concern to the citizens of our state; and

WHEREAS, research indicates teenagers and their parents are not well informed about the legal, social, and other consequences of underage drinking; and

WHEREAS, underage drinking may lead to automobile crashes, truancy, academic failure, dysfunctional family relationships, subsequent use of controlled substances, suicide, sexual activity or violence, or other adverse consequences:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create a Joint Interim Committee on Underage Drinking; and

BE IT FURTHER RESOLVED that the joint interim committee shall study the current public and private efforts to combat underage drinking, evaluate their effectiveness, and make recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of eighteen members, of which four shall be members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; four shall be members of the House of Representatives, of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader, with approval of the Speaker of the House of Representatives; two shall be representatives of the medical community who specialize in alcohol abuse and prevention, one which shall be appointed by the President

Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two shall be representatives of the law enforcement community who work with schools in the prevention of alcohol abuse, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two shall be representatives of the commercial alcoholic beverage industry, one of which shall be appointed by the President Pro Tem of the Senate and one of which shall be appointed by the Speaker of the House; two parents of teenage children, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and two school students between the ages of 18 and 20 years, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and

BE IT FURTHER RESOLVED the President Pro Tem of the Senate and the Speaker of the House of Representatives shall collaborate to ensure that the membership of the joint interim committee reflects adequate minority and gender representation; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the members of the joint interim committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2004, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the United States Fish and Wildlife Service has mandated that the United States Army Corps of Engineers implement a plan for operating the Missouri River that calls for a "spring rise" and a "summer low flow." This plan would result in an increase in the flow of the Missouri River in the spring when the risk of flooding of bottomland farms is already high. The plan also would result in a reduction of the flow of the Missouri River in the summer of each year, thereby negatively affecting farmers, utilities, and businesses from Omaha to the Gulf of Mexico, purportedly to improve habitat for the pallid sturgeon, an endangered fish; and

WHEREAS, the United States Fish and Wildlife Service has dictated these controversial flow changes primarily to benefit only a short segment of the Missouri River where pallid sturgeon have not even been found in six years of sampling; and

WHEREAS, analyses have shown that low river flows could actually degrade habitat important to the pallid sturgeon in segments of the lower Missouri and Mississippi Rivers where pallid sturgeon have been found in recent years; and

WHEREAS, in the summer months of 2002 and 2003, record low flows on the Missouri River increased transportation costs for Missouri farmers by halting navigation, increased power plant cooling costs for private utilities, increased drinking water treatment costs for public utilities across the state of Missouri, and caused water quality violations with the temperature in the Missouri River exceeding 90 degrees. Despite the economic harm already experienced by Missourians, the United States Fish and Wildlife Service has unilaterally mandated summer low flows during the next two years that are virtually identical to those experienced in 2002 and 2003; and

WHEREAS, while the United States Fish and Wildlife Service has failed to provide sufficient scientific evidence that proves that their mandated "spring rise" and "summer low flow" will improve habitat for the pallid sturgeon, analysis has shown that their proposal will increase the risk of

flooding bottomland farms along the Missouri River, will result in economic harm to public and private utilities, and will risk the jobs of those who rely on the Missouri and Mississippi Rivers for their livelihoods; and

WHEREAS, the so-called "drought conservation measures" under consideration by the United States Army Corps of Engineers for inclusion in the Missouri River Master Manual would take away usable water from Missourians by shifting the storage of more water to upstream reservoirs while decreasing the amount of water available for other designated downstream uses; and

WHEREAS, the Missouri River contributes up to 65 percent of the Mississippi River flow at St. Louis during low-water conditions; and

WHEREAS, reduction of Missouri River flows would result in more frequent and more costly impediments to commerce on the Mississippi River where more than 120 million tons of cargo, which includes 60 percent of the nation's grain harvest, is shipped annually past St. Louis.

WHEREAS, the United States Eighth Circuit Court of Appeals recently affirmed that the dominant functions of the Missouri River Reservoir System are flood control and navigation, with recreation and other interests being secondary uses:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby respectfully request that the President of the United States direct the United States Fish and Wildlife Service and the United States Army Corps of Engineers to develop a plan for operating the Missouri River Reservoir System that will not increase the risk of flooding for bottomland farmers and will not harm the economy of the Midwestern states by failing to provide adequate flows to meet all designated downstream uses on the Missouri and Mississippi Rivers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, each member of the Missouri Congressional Delegation, the United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 754, SCS for SB 1040, SB 1123** and **SCS for SB 1160**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Nodler assumed the Chair.

THIRD READING OF SENATE BILLS

SB 870, introduced by Senator Bartle, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to billboards, with penalty provisions.

Was taken up.

On motion of Senator Bartle, **SB 870** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senator Caskey-- 1			
Absent--Senators--None			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 700**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 700

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof two new sections relating to enterprise zones.

Was taken up by Senator Russell.

On motion of Senator Russell, **SCS** for **SB 700** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 740, 886, and 1178**, introduced by Senator Klindt, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 740, 886 and 1178

An Act to repeal sections 148.330, 263.534, 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552,

267.553, 267.554, 267.555, 267.556, 348.406, 348.410, 348.412, 348.430, and 348.432, RSMo, and to enact in lieu thereof twenty-one new sections relating to agriculture programs.

Was taken up.

On motion of Senator Klindt, **SS** for **SCS** for **SBs 740, 886, and 1178** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
NAYS--Senators			
Caskey	Wheeler--2		
Absent--Senators			
Bland	Bray--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 920, introduced by Senator Caskey, entitled:

An Act to repeal sections 306.165, 306.167, and 542.261, RSMo, and to enact in lieu thereof four new sections relating to the Missouri state water patrol.

Was taken up.

On motion of Senator Caskey, **SB 920** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 1045**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1045

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to the burning of crosses, with penalty provisions.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS** for **SB 1045** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland	Jacob	Scott--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SR 1451** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SCS** for **SB 1040**; **SB 1123**; and **SCS** for **SB 937** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 968**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 968**, as amended, was again taken up.

Senator Shields offered **SS** for **SCS** for **SB 968**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968

An Act to repeal sections 168.104, 168.124, and 168.126, RSMo, and to enact in lieu thereof three new sections relating to teachers.

Senator Shields moved that **SS** for **SCS** for **SB 968** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 968, Page 3, Section 168.104, Line 10, by inserting after all of said line the following:

"168.114. 1. An indefinite contract with a permanent teacher shall not be terminated [by the board of education of a school district] except for one or more of the following causes:

- (1) Physical or mental condition [unfitting him] **making such teacher unfit** to instruct or associate with children;
- (2) Immoral conduct;
- (3) Incompetency, inefficiency or insubordination in line of duty;
- (4) Willful or persistent violation of, or failure to obey, the school laws of the state or the published regulations of the board of education of the school district employing [him] **such teacher**;
- (5) Excessive or unreasonable absence from performance of duties; or
- (6) Conviction of a felony or a crime involving moral turpitude.

2. In determining the professional competency of or efficiency of a permanent teacher, consideration should be given to regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the school board.

168.116. 1. The indefinite contract of a permanent teacher may not be terminated [by the board of education] until after service upon the teacher of written charges specifying with particularity the grounds alleged to exist for termination of such contract, notice of a hearing on charges and a hearing [by the board of education] on charges if requested by the teacher.

2. At least [thirty] **one hundred twenty** days before service of notice of charges of incompetency, inefficiency, or insubordination in line of duty, the teacher shall be given by the school board or the superintendent of schools warning in writing, stating specifically the causes which, if not removed, may result in charges. Thereafter, both the superintendent, or [his] **the superintendent's** designated representative, and the teacher shall meet and confer in an effort to resolve the matter.

3. Notice of **right to request** a hearing upon charges, together with a copy of charges, shall be served on the permanent teacher [at least twenty days prior to the date of the hearing]. The notice and copy of the charges may be served upon the teacher by certified mail with personal delivery addressed to [him] **the teacher** at [his] **the teacher's** last known address. If the teacher or [his] **the teacher's** agent does not within ten days after receipt of the notice request a hearing on the charges, the board of education **of the school district** may, by a majority vote, order the contract of the teacher terminated. If a hearing is requested by [either] the teacher [or the board of education, it shall take place not less than twenty nor more than thirty days after notice of a hearing has been furnished the permanent teacher.], **the superintendent shall forward a copy of the notice to the state board of education. Within five days after receiving this notice of hearing, the state board of education shall provide a list of five prospective, impartial hearing officers. Each person on the list shall be accredited by a national arbitration organization. No one on the list shall be a resident of the school district. Within seven days of receipt of the list, the board of education of the school district and the teacher, or their legal representatives, shall alternately strike one name from the list until only one name remains. The board of education of the school district shall proceed first with the striking. The state board of education shall promulgate uniform standards and rules of procedure for such hearings. Such rules and regulations shall, at a minimum, provide for:**

(1) Discovery of names and addresses of persons who may be called as expert witnesses at the hearing. The omission of any such name shall result in a preclusion of the testimony of such witness in the absence of the showing of good cause and the express permission of the hearing officer;

(2) Written interrogatories; and

(3) The production of relevant documents.

4. The school district shall pay the per diem allowance for the hearing officer, not to exceed four hundred dollars, and the expenses of the hearing officer.

5. On the filing of charges in accordance with this section, the board of education of the school district may suspend the teacher from active performance of duty until a decision is rendered by the [board of education] hearing officer but the teacher's salary and benefits shall be continued during such suspension. If a decision to terminate a teacher's employment [by the board of education] is appealed, and the decision is reversed, the teacher shall be paid [his] the teacher's salary lost during the pending of the appeal.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

168.118. If a hearing is requested on the termination of an indefinite contract it shall be conducted by the [board of education] **hearing officer** in accordance with the following provisions:

(1) The hearing shall be public unless closed at the request of the teacher, and shall be scheduled not less than thirty nor more than forty-five days from the date of selection of the hearing officer, unless the period is shortened or extended by mutual agreement of the teacher and the board of education of the school district;

(2) Both the teacher and the person filing charges may be represented by counsel who may cross-examine witnesses;

(3) Testimony at hearings shall be on oath or affirmation administered by the [president of the board of education] hearing officer, who for the purpose of hearings held [under sections 168.102 to 168.130] pursuant to this section shall have the authority to administer oaths;

(4) The [school board] hearing officer shall have the power to subpoena witnesses and documentary evidence as

provided in section 536.077, RSMo, and shall do so on [its own] **the** motion or at the request of the **administration or the teacher** against whom charges have been made. The [school board] **hearing officer** shall hear testimony of all witnesses named by the **administration and the teacher**; however, the [school board] **hearing officer** may limit the number of witnesses to be subpoenaed on behalf of the **administration or the teacher** to not more than ten;

(5) The board of education **of the school district** shall employ a stenographer who shall make a full record of the proceedings of the hearings and who shall, within ten days after the conclusion thereof, furnish **the hearing officer**, the board of education **of the school district** and the teacher, at no cost to **the hearing officer or the teacher**, with a copy of the transcript of the record, which shall be certified by the stenographer to be complete and correct. The transcript shall not be open to public inspection, unless the hearing on the termination of the contract was an open hearing or if an appeal from the decision of the [board] **hearing officer** is taken by the teacher **or the board of education of the school district**;

(6) All costs of the hearing shall be paid by the school board **of education of the school district** except the cost of counsel for the teacher;

(7) [The decision of the board of education resulting in the demotion of a permanent teacher or the termination of an indefinite contract shall be by a majority vote of the members of the board of education and the decision shall be made within seven days after the transcript is furnished them. A written copy of the decision shall be furnished the teacher within three days thereafter.] **No later than thirty days after the conclusion of the hearing, the hearing officer shall make a decision as to whether or not the teacher shall be dismissed and shall deliver copies of the decision to both the teacher and the board of education of the school district. The hearing officer shall also have the authority to decide that a teacher shall be given appropriate discipline, but not be dismissed. In the case of a charge of incompetency, inefficiency, or insubordination in the line of duty, the hearing officer shall also have the option of ordering an extension of the period in which the superintendent and the teacher shall meet and confer in an effort to resolve the matter as provided in subsection 2 of section 168.116. The decision of the hearing officer is final unless appealed as provided in section 168.120.**

168.120. 1. The teacher **or the board of education of the school district** shall have the right to appeal from the decision of the [board of education] **hearing officer** to the circuit court of the county where the employing school district is located. The appeal shall be taken within fifteen days after service of a copy of the decision of the [board of education upon the teacher] **hearing officer**, and if an appeal is not taken within the time, then the decision of the [board of education] **hearing officer** shall become final.

2. The appeal may be taken by filing notice of appeal with the board of education **of the school district**, whereupon the board of education **of the school district**, under its certificate, shall forward to the court all documents and papers on file in the matter, together with a transcript of the evidence, the findings and the decision of the [board of education] **hearing officer**, which shall thereupon become the record of the cause. Such appeal shall be heard as provided in chapter 536, RSMo.

3. Appeals from the circuit court shall be allowed in the same manner as in civil actions, except that the original transcript prepared and filed in the circuit court by the board of education **of the school district**, together with a transcript of the proceedings had in the circuit court, shall constitute the transcript on appeal in the appellate court. The board of education **of the school district** shall make available, to the parties, copies of any transcript prepared and filed by it in the circuit court and upon final determination of the cause in the appellate court the original record of the board of education filed as a part of the transcript on appeal shall be certified back to the board of education **of the school district** by the appellate court. In all appeals from the board of education **of the school district** or circuit court the costs thereof shall be assessed against the losing party as provided by law in civil cases. All appeals to the circuit court and appellate courts shall have precedence over all cases except election contests.

4. If the circuit court finds for the teacher, [he] **the teacher** shall be restored to permanent teacher status and shall receive compensation for the period during which [he] **the teacher** may have been suspended from work, and such other relief as may be granted by the court."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Coleman, Jacob, Kennedy and Wheeler.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bray	Callahan	Coleman	Days
Dougherty	Goode	Gross	Jacob
Kennedy	Quick	Wheeler--11	
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
Absent--Senators			
Bland	Mathewson	Stoll--3	
Absent with leave--Senators--None			

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 968, Page 6, Section 168.126, Line 23, by adding after all of said line the following:

"168.303. The state board of education shall adopt rules to facilitate job-sharing positions for classroom teachers, as the term "job-sharing" is defined in this section. These rules shall provide that a classroom teacher in a job-sharing position shall receive paid legal holidays, annual vacation leave, sick leave, and personal leave on a pro rata basis. "Job-sharing position" shall mean any position:

- (1) Shared with one other employee;
- (2) Requiring employment of at least [seventeen] **fifteen** hours per week but not more than twenty hours per week on a regular basis; and
- (3) Requiring at least seventy percent of all time spent in classroom instruction as determined by the employer; provided that, job-sharing position shall not include instructional support or school services positions including, but not limited to, guidance counselor, media coordinator, psychologist, social worker, audiologist, speech and language pathologist, and nursing positions.

169.712. 1. Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the certification of teachers in Missouri who, after August 28, 1997, is first employed in a position which would otherwise qualify the person for membership in the nonteacher school employee retirement system pursuant to the provisions of sections 169.600 to 169.710 shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system for subsequent certificated services which would otherwise have been creditable in the nonteacher school employee retirement system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment following August 28, 1997.

2. Notwithstanding any provision of law to the contrary, any person duly certificated under the law governing the

certification of teachers in Missouri who, on or after August 28, 2003, is employed by a public school, as defined in section 169.010, for at least [seventeen] **fifteen** but less than twenty hours per week on a regular basis shall be a member of the public school retirement system pursuant to the provisions of sections 169.010 to 169.141, and shall receive creditable service on a pro rata basis in that system. Any such person shall have the option of being a member of the nonteacher school employee retirement system. The option election must be filed with the board of trustees of the public school retirement system within ninety days of first such employment or within ninety days of August 28, 2003, whichever later occurs.

3. Any person who is a member of the public school retirement system or the nonteacher school employee retirement system pursuant to subsection 2 of this section may purchase credit in such system for service after August 28, 1991, that would have qualified such person for membership in either retirement system pursuant to subsection 2 of this section had such subsection been in effect prior to August 28, 2003; provided that such purchase of credit in the public school retirement system shall be subject to the provisions of section 169.056 and such purchase of credit in the nonteacher school employee retirement system shall be subject to the provisions of section 169.655."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Nodler assumed the Chair.

Senator Shields moved that **SS for SCS for SB 968**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS for SCS for SB 968**, as amended, was declared perfected and ordered printed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1288--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1313--Aging, Families, Mental and Public Health.

SB 1328--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1333--Commerce and the Environment.

SB 1334--Education.

SB 1336--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1337--Ways and Means.

SB 1338--Economic Development, Tourism and Local Government.

SB 1339--Education.

SB 1340--Economic Development, Tourism and Local Government.

SB 1342--Aging, Families, Mental and Public Health.

SB 1343--Economic Development, Tourism and Local Government.

SB 1344--Economic Development, Tourism and Local Government.

SB 1345--Judiciary and Civil and Criminal Jurisprudence.

SB 1347--Education.

SB 1348--Judiciary and Civil and Criminal Jurisprudence.

SB 1349--Education.

SB 1350--Education.

SB 1351--Aging, Families, Mental and Public Health.

SB 1352--Education.

SB 1353--Economic Development, Tourism and Local Government.

SB 1354--Judiciary and Civil and Criminal Jurisprudence.

SB 1355--Education.

SB 1359--Judiciary and Civil and Criminal Jurisprudence.

SB 1360--Judiciary and Civil and Criminal Jurisprudence.

SB 1361--Education.

SB 1362--Small Business, Insurance and Industrial Relations.

SB 1363--Judiciary and Civil and Criminal Jurisprudence.

SB 1364--Economic Development, Tourism and Local Government.

SB 1365--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1367--Education.

SB 1368--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1369--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1370--Governmental Accountability and Fiscal Oversight.

SB 1371--Aging, Families, Mental and Public Health.

SB 1372--Agriculture, Conservation, Parks and Natural Resources.

SB 1373--Judiciary and Civil and Criminal Jurisprudence.

SB 1374--Ways and Means.

SB 1375--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1376--Agriculture, Conservation, Parks and Natural Resources.

SB 1377--Pensions and General Laws.

SB 1378--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1379--Commerce and the Environment.

SB 1380--Commerce and the Environment.

SB 1381--Judiciary and Civil and Criminal Jurisprudence.

SB 1382--Judiciary and Civil and Criminal Jurisprudence.

SB 1383--Commerce and the Environment.

SB 1384--Pensions and General Laws.

SB 1385--Small Business, Insurance and Industrial Relations.

SB 1388--Ways and Means.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1220**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 738** and **SB 790**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 916** and has taken up and passed **SCS** for **HB 916**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1338**, entitled:

An Act to repeal sections 407.670 and 407.671, RSMo, and to enact in lieu thereof eight new sections relating to the buyers club law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 841**, entitled:

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to containers on watercraft, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 33**.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1460, regarding the Waynesville Technical Academy Culinary Arts Program, Waynesville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, the

Physician of the Day, Dr. John Esther, M.D. and his daughter, Madeleine, Springfield; and Madeleine was made an honorary page.

On behalf of Senator Gibbons and himself, Senator Loudon introduced to the Senate, Allison Kenemer and students from Twin Oaks Christian School, Twin Oaks.

Senator Griesheimer introduced to the Senate, Jane Haberberger and Judge Gael Wood, Washington.

Senator Cauthorn introduced to the Senate, Betsy Barnes, Bowling Green; and Missy Johns and Melissa Rainey, Hannibal.

Senator Kennedy introduced to the Senate, Willie Oberman and fourth grade students from Bismarck Elementary School, Bismarck.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Monday, March 8, 2004.

SENATE CALENDAR

THIRTY-FOURTH DAY-MONDAY, MARCH 8, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1289-Kennedy and Gibbons

SB 1331-Gibbons

SB 1332-Caskey and Mathewson

SB 1335-Dougherty, et al

SB 1341-Cauthorn, et al

SB 1346-Coleman

SB 1356-Jacob and Bray

SB 1357-Jacob and Bray

SB 1358-Jacob and Bray

SB 1366-Yeckel

SB 1386-Scott

SB 1387-Dolan

SB 1389-Dolan

SB 1390-Foster

SB 1391-Foster

SB 1392-Goode and Dougherty

SB 1393-Vogel

SB 1394-Vogel

SB 1395-Shields

SB 1396-Shields

SB 1397-Gibbons, et al

SB 1398-Jacob and Kinder

SB 1399-Kennedy

SB 1400-Loudon, et al

SJR 48-Jacob and Bray

SJR 49-Klindt

SJR 50-Stoll

SJR 51-Goode

HOUSE BILLS ON SECOND READING

HCS for HB 1338

HB 841-Angst

THIRD READING OF SENATE BILLS

SCS for SB 937-Gross (In Fiscal Oversight)

SCS for SB 754-Vogel

SCS for SB 1040-Griesheimer (In Fiscal Oversight)

SB 1123-Gibbons, et al (In Fiscal Oversight)

SCS for SB 1160-Shields, et al SENATE BILLS FOR PERFECTION

SB 1180-Shields and Kinder, with SCS

SBs 1027 & 896-Cauthorn, et al, with SCS

SB 988-Steelman, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS

SB 809-Klindt, with SCS

SB 1232-Clemens, et al, with SCS

SB 1081-Kinder, et al, with SCS

SB 1141-Loudon, with SCS

SB 960-Gibbons, with SCS

SBs 1233, 840 & 1043-Dolan, with SCS

SB 710-Goode and Bray, with SCS

SB 1220-Caskey, with SCS

SBs 738 & 790-Loudon, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 24 (pending)

SB 718-Yeckel, et al

SB 755-Shields, with SCS

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 768-Nodler

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and Dougherty, with SCS

SCR 37-Shields and Bartle

SCR 41-Klindt, with SCS

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY--MONDAY, MARCH 8, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Meet the World with the fullness of your being and you shall meet God." (Martin Buber)

Gracious God, we pray this afternoon that we use our whole being in the work we do this week, the recreation we have and the joy of living we embrace, and in this we meet You; and knowing You, You will guide our actions so that we can accomplish Your will for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 4, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Days offered Senate Resolution No. 1461, regarding the Alpha Kappa Alpha Sorority's 74th Annual Mid-Western Regional Conference, which was adopted.

Senator Loudon offered Senate Resolution No. 1462, regarding Emily R. DeGregorio, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 1463, regarding Bible Baptist Church, Cassville, which was adopted.

Senator Scott offered Senate Resolution No. 1464, regarding Jaclyn Rohrs, Bolivar, which was adopted.

Senator Gibbons offered Senate Resolution No. 1465, regarding Lara Bopp, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1466, regarding Andrew Pelikan, Kirkwood, which was adopted.

Senator Bartle offered Senate Resolution No. 1467, regarding Jeffrey Ryan "Jeff" Thomas, Buckner, which was adopted.

Senator Bartle offered Senate Resolution No. 1468, regarding Keith Daniel Rowland, Buckner, which was adopted.

Senator Bartle offered Senate Resolution No. 1469, regarding Jim Bouck, Raytown, which was adopted.

Senator Russell offered Senate Resolution No. 1470, regarding Lacy Morris, Mountain Grove, which was adopted.

Senator Shields offered Senate Resolution No. 1471, regarding Matthew Thomas Tucker, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1472, regarding Justin Michael Short, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1473, regarding Zachary Joseph Eber, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1474, regarding Robert Kenneth Bratney, Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 1475, regarding Katharine "Melody" Federer, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1476, regarding Natalie Scrivner, Stockton, which was adopted.

Senator Scott offered Senate Resolution No. 1477, regarding Tonya Goosen, Cole Camp, which was adopted.

Senator Yeckel offered Senate Resolution No. 1478, regarding Nikki Grass, Ste. Genevieve, which was adopted.

Senator Yeckel offered Senate Resolution No. 1479, regarding Stephanie Silva, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 1480, regarding Adrienne Geile, Wildwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1481, regarding Laura Dotson, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 1482, regarding Jessica Zemann, Fenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1483, regarding Kimberly Taubel, Washington, which was adopted.

Senator Yeckel offered Senate Resolution No. 1484, regarding Jennifer J. Hesselbein, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 1485, regarding Allison Rue Gunkel, Valley Park, which was adopted.

Senator Yeckel offered Senate Resolution No. 1486, regarding Stacey Hesselbein, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 1487, regarding Jessica Patschull, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1488, regarding Atlee Rose Callahan, Cedar Hill, which was adopted.

Senator Yeckel offered Senate Resolution No. 1489, regarding Kelly Thomure, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1490, regarding Tameka M. Greene, Black Jack, which was adopted.

Senator Yeckel offered Senate Resolution No. 1491, regarding Krystle Lynn Vineyard, St. Ann, which was adopted.

Senator Yeckel offered Senate Resolution No. 1492, regarding Edward Akrie Bulliner, IV, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1493, regarding Kristin MacKeen, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1494, regarding Bridget Dolan, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1495, regarding Bryan G. Young, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 1496, regarding Laurie Reichert, Kearney, which was adopted.

Senator Yeckel offered Senate Resolution No. 1497, regarding Jim Gleason, Green Park, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1498, regarding Millicent P. Belt, Macon, which was adopted.

Senator Callahan offered Senate Resolution No. 1499, regarding David M. Millin, Independence, which was adopted.

Senator Steelman offered Senate Resolution No. 1500, regarding Chadwick E. Raw, Linn, which was adopted.

Senator Yeckel offered Senate Resolution No. 1501, regarding Valerie Reichold, Cedar Hill, which was adopted.

Senator Yeckel offered Senate Resolution No. 1502, regarding Leslie Heinicke, Glendale, which was adopted.

Senator Stoll offered Senate Resolution No. 1503, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Nathan Poteet, DeSoto, which was adopted.

Senator Stoll offered Senate Resolution No. 1504, regarding Missouri Emergency Medical Services Day, which was adopted.

Senator Caskey offered Senate Resolution No. 1505, regarding the One Hundredth Birthday of Alta Simatic, Lee's Summit, which was adopted.

Senator Klindt offered Senate Resolution No. 1506, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rex Stuart, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1507, regarding Ashley Hopkins, Hamilton, which was adopted.

Senator Klindt offered Senate Resolution No. 1508, regarding Rebecca Mowry, Trimble, which was adopted.

Senator Klindt offered Senate Resolution No. 1509, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester George, Spickard, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1240**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute,

hereto attached, do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1249**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 824**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 1112**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1257**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1133**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1230**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1188**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1074**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1181**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1084**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1274**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1047**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1142**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1083**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1262**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1299**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1215**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1235**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 1123**; **SCS** for **SB 937**; and **SCS** for **SB 1040**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 968**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 718** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Yeckel offered **SS** for **SB 718**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 718

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

Senator Yeckel moved that **SS** for **SB 718** be adopted.

Senator Jacob offered **SS** for **SS** for **SB 718**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 718

An Act to repeal section 536.010, RSMo, and to enact in lieu thereof five new sections relating to small businesses.

Senator Jacob moved that **SS** for **SS** for **SB 718** be adopted.

At the request of Senator Yeckel, **SB 718**, with **SS** and **SS** for **SS** (pending), was placed on the Informal Calendar.

Senator Steelman moved that **SB 1020**, **SB 889** and **SB 869**, with **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), be called

from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for SA 2 was again taken up.

At the request of Senator Steelman, the above substitute amendment was withdrawn.

SA 2 was again taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 3, Section 610.010, Line 76, by striking the words "and presented to" and inserting in lieu thereof the following: "**for**"; and

Further amend said section, Page 4, Line 82, by inserting after the word "years" the following: ". **Any document or study prepared for a public governmental body by a consultant or other professional service, as described in this subdivision, shall be retained by the public governmental body in the same manner as any other public record**".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 10, Section 610.022, Line 35, by inserting after all of said line the following:

"610.023. 1. Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request.

2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. **If a request for records asks for the record in a certain format, the public body shall provide the records in the requested format, if such format is available.** If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 11, Section 610.026, Line 8, by striking the word "ten" and inserting in lieu thereof the following: "**twenty-five**".

Senator Griesheimer moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 11, Section 610.026, Line 4, by deleting the opening bracket "[" on said line; and further to delete the closing bracket "]" on line 8; and further, by deleting all of said line 8 following the closing bracket, all of lines 9 and 10, and line 11 through the word "charge".

Senator Gibbons moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **SB 1020**, **SB 889** and **SB 869**, with **SCS**, **SA 5** and **SSA 1** for **SA 5** (pending), were placed on the Informal Calendar.

Senator Steelman moved that **SB 1020**, **SB 889** and **SB 869**, with **SCS**, **SA 5** and **SSA 1** for **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 5** was again taken up.

Senator Gibbons moved that the above substitute amendment be adopted.

Senator Steelman requested a roll call vote be taken on the adoption of **SSA 1** for **SA 5** and was joined in her request by Senators Coleman, Jacob, Russell and Stoll.

SSA 1 for **SA 5** failed of adoption by the following vote:

YEAS--Senators			
Bray	Childers	Days	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Mathewson	Quick
Stoll	Vogel	Wheeler	Yeckel--16
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Clemens	Coleman	Dolan
Griesheimer	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Stelman--17			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

SA 5 was again taken up.

Senator Griesheimer offered **SSA 2** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 11, Section 610.026, Line 8, by striking the word "ten" and inserting in lieu thereof the following: "**twenty**".

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Goode offered **SA 1** to **SSA 2** for **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 5 to Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 1, Line 2, by inserting after the word "twenty" the following: ", **except in any county with a charter form of government where it shall be ten,**".

Senator Goode moved that the above amendment be adopted.

At the request of Senator Goode, **SA 1** to **SSA 2** for **SA 5** was withdrawn.

SSA 2 for **SA 5** was again taken up.

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Dolan requested a roll call vote be taken on the adoption of **SSA 2** for **SA 5** and was joined in his request by Senators Cauthorn, Griesheimer, Gross and Steelman.

SSA 2 for **SA 5** failed of adoption by the following vote:

YEAS--Senators			
Bartle	Dolan	Griesheimer	Gross--4
NAYS--Senators			
Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
Absent--Senator Bland-- 1			
Absent with leave--Senators--None			

Senator Goode offered **SSA 3** for **SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 12, Section 610.027, Line 23, by striking the following: "committed a grossly negligent violation of" and inserting in lieu thereof the following: "**knowingly violated**"; and further amend said section and page, Line 27, by striking the following: "grossly negligent" and inserting in lieu thereof the following: "**knowing**"; and

Further amend said bill, Page 17, Section 610.100, Lines 86 and 87 by striking the following: "committed a grossly negligent violation of" and inserting in lieu thereof the following: "**knowingly violated**"; and further amend said page and section, Line 90, by striking the words "grossly negligent" and inserting in lieu thereof the following: "**knowing**".

Senator Goode moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **SB 1020**, **SB 889** and **SB 869**, with **SCS**, **SA 5** and **SSA 3** for **SA 5** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 1289--Economic Development, Tourism and Local Government.

SB 1331--Economic Development, Tourism and Local Government.

SB 1332--Judiciary and Civil and Criminal Jurisprudence.

SB 1335--Ways and Means.

SB 1341--Judiciary and Civil and Criminal Jurisprudence.

SB 1346--Aging, Families, Mental and Public Health.

SB 1356--Judiciary and Civil and Criminal Jurisprudence.

SB 1357--Judiciary and Civil and Criminal Jurisprudence.

SB 1358--Judiciary and Civil and Criminal Jurisprudence.

SB 1366--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

SB 1386--Pensions and General Laws.

SB 1387--Education.

SB 1389--Education.

SB 1390--Agriculture, Conservation, Parks and Natural Resources.

SB 1391--Economic Development, Tourism and Local Government.

SB 1392--Aging, Families, Mental and Public Health.

SB 1393--Transportation.

SB 1394--Ways and Means.

SB 1395--Ways and Means.

SB 1396--Aging, Families, Mental and Public Health.

SB 1397--Judiciary and Civil and Criminal Jurisprudence.

SB 1399--Small Business, Insurance and Industrial Relations.

SB 1400--Agriculture, Conservation, Parks and Natural Resources.

SJR 48--Financial and Governmental Organization, Veterans' Affairs and Elections.

SJR 49--Agriculture, Conservation, Parks and Natural Resources.

SJR 50--Education.

SJR 51--Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1338**--Economic Development, Tourism and Local Government.

HB 841--Commerce and the Environment.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 895**, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of certain road districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 923**, entitled:

An Act to repeal sections 402.199, 402.200, 402.205, 402.215, and 402.217, RSMo, and to enact in lieu thereof five new sections relating to the Missouri family trust.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 955**, entitled:

An Act to repeal sections 324.200, 324.203, 324.205, 324.210, and 324.215, RSMo, and to enact in lieu thereof seven new sections relating to dietitians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 960**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Russell Harper Memorial Highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 932**, entitled:

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to water pollution control bonds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 989**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Dent to the city of Salem, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1070**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to emergency preparedness plans for schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1071**, entitled:

An Act to authorize the governor to convey a tract of land owned by the state to Pierce City, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1107**, entitled:

An Act to amend chapter 238, RSMo, by adding thereto one new section relating to property adjacent to certain transportation districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1126**, entitled:

An Act to repeal section 278.258, RSMo, and to enact in lieu thereof one new section relating to detachment from watershed districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David W. Ansley, Democrat, 2110 E. Woodhaven Place, Springfield, Greene County, Missouri 65804, as a member of the Missouri Southern State University - Joplin Board of Regents, for a term ending August 30, 2009, and until his successor is duly appointed and qualified; vice, Glenn Wilson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dirck Clark, Republican, 14306 Riverview Drive, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2009, and until his successor is duly appointed and qualified; vice, Mary Lynn Watkins, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randall J. Davis, 9764 Lee Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, Nathan Williams, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael E. Dunard, Democrat, 2208 Bell Court, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Ethics Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, James E. Spain, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mitchel F. Geisler, Democrat, 1216 South Benton, Marshall, Saline County, Missouri 65340, as a member of the State Lottery Commission, for a term ending September 7, 2007, and until his successor is duly appointed and qualified; vice, William James, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary A. Holyoke, 13163 Highway 21, DeSoto, Jefferson County, Missouri 63020, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Warren E. Nieburg, Ph.D., Republican, Rural Route 4, Box 4255, Camdenton, Camden County, Missouri 65020, as a member of the Missouri Ethics Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, Sandra Donahue, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bob G. Scheid, 1329 W. Swallow Street, Springfield, Greene County, Missouri 65810, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Billie Sue Graves, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert L. Simpson, Republican, Route 1, Box 1294, Potosi, Washington County, Missouri 63664, as a member of the Missouri Ethics Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, Philip Conger, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Regina M. Staves, 13305 Walnut, Kansas City, Jackson County, Missouri 64145, as a member of the Children's Trust Fund Board, for a term ending July 23, 2006, and until her successor is duly appointed and qualified; vice, Naim B. Gray, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HBs 950** and **948**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1510, regarding Robert William "Bobby" Springkamper, III, High Ridge, which was adopted.

Senator Stoll offered Senate Resolution No. 1511, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James English, Barnhart, which was adopted.

COMMUNICATIONS

Senator Kinder submitted the following:

March 4, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Joint Committee on Gaming and Wagering

Dear Terry:

Pursuant to Section 313.001, RSMo 2002, I am appointing Senator Harry Kennedy to the Joint Committee on Gaming and Wagering.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Theresa Shelley and her daughter Stephanie, Blue Springs; and Stephanie was made an honorary page.

Senator Caskey introduced to the Senate, Michaela Cooper, Blue Springs; and Michaela was made an honorary page.

Senator Scott introduced to the Senate, his son Timothy Scott, Eldorado Springs; and Jody Freeman, Overland Park, Kansas.

Senator Nodler introduced to the Senate, James Link and twenty students from Ozark Bible Institute, Neosho.

Senator Stoll introduced to the Senate, Stephanie Kitchell and the Jefferson College Student Senate: Rachel Mailhot, Monica McDaniel, Joyce McDaniel, Brain Skubic and Beth Walsh.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FIFTH DAY-TUESDAY, MARCH 9, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1398-Jacob and Kinder

HOUSE BILLS ON SECOND READING

HCS for HB 895

HB 923-Holand and Fraser

HCS for HB 955

HB 960-Roark

HB 932-Bivins and Villa

HB 989-Barnitz and Kuessner

HB 1070-Miller, et al

HB 1071-Goodman

HB 1107-Crawford, et al

HB 1126-Seigfreid, et al

THIRD READING OF SENATE BILLS

SCS for SB 937-Gross

SCS for SB 754-Vogel

SCS for SB 1040-Griesheimer

SB 1123-Gibbons, et al

SCS for SB 1160-Shields, et al

SS for SCS for SB 968-Shields

SENATE BILLS FOR PERFECTION

SB 1180-Shields and Kinder, with SCS

SBs 1027 & 896-Cauthorn, et al, with SCS

SB 988-Steelman, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS

SB 809-Klindt, with SCS

SB 1232-Clemens, et al, with SCS

SB 1081-Kinder, et al, with SCS

SB 1141-Loudon, with SCS

SB 960-Gibbons, with SCS

SBs 1233, 840 & 1043-Dolan, with SCS

SB 710-Goode and Bray, with SCS

SB 1220-Caskey, with SCS

SBs 738 & 790-Loudon, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS (Klindt)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 24 (pending)

SB 718-Yeckel, et al, with SS & SS for SS (pending)

SB 755-Shields, with SCS

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman, et al, with

SCS, SA 5 & SSA 3 for SA 5 (pending)

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1229-Caskey

SB 1218-Quick, with SCS

SB 1162-Jacob

SB 1048-Nodler, et al

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 768-Nodler

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler Reported 3/8

SB 1240-Griesheimer, with SCS

SB 1249-Champion

SB 824-Griesheimer

SB 1112-Clemens

SB 1257-Days and Foster

SB 1133-Foster, et al

SB 1230-Clemens and Griesheimer

SB 1188-Loudon, with SCS

SB 1074-Coleman, with SCS

SB 1181-Yeckel, with SCS

SB 1250-Scott, with SCS

SB 1084-Foster, with SCS

SB 1165-Russell

SB 1274-Shields

SB 1047-Kennedy

SB 1142-Dolan, with SCS

SB 1083-Kennedy and Dougherty

SB 1262-Dolan, with SCS

SB 1299-Loudon

SB 1215-Griesheimer, with SCS

SB 1235-Loudon, with SCS

RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and Dougherty, with SCS

SCR 37-Shields and Bartle

SCR 41-Klindt, with SCS

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY--TUESDAY, MARCH 9, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord is my strength and my shield; so I am helped, and my heart exults, and with my song I give thanks to him." (Psalm 28:7)

Merciful God, You are with us as we do what we are called to do and You give us strength as we work tirelessly to complete the task before us, for which we thank and give You praise. Be now with Your servant Don Rackers as he undergoes surgery; guide the hands of the surgeons and touch Don with Your healing power. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1512, regarding John Joseph Kramer, Kirkwood, which was adopted.

Senator Shields offered Senate Resolution No. 1513, regarding Christopher Ryan Applebury, Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 1514, regarding the Eightieth Birthday of Nettie Lee Beckett, Pevely, which was adopted.

Senator Gross offered Senate Resolution No. 1515, regarding Janet Woodburn, which was adopted.

Senator Nodler offered Senate Resolution No. 1516, regarding Abriana Andrews, Seneca, which was adopted.

Senator Loudon offered Senate Resolution No. 1517, regarding Marione E. Johnson, St. Louis County, which was adopted.

Senator Loudon offered Senate Resolution No. 1518, regarding Thomas J. "Tom" Garnett, St. Louis, which was adopted.

THIRD READING OF SENATE BILLS

SCS for **SB 937**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 937

An Act to amend chapter 28, RSMo, by adding thereto two new sections relating to the Missouri catalog of assistance programs, with sunset provisions.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 937** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Coleman	Russell	Stoll--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Vogel moved that motion lay on the table, which motion prevailed.

SCS for **SB 754**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 754

An Act to repeal sections 67.793, 67.799, 67.1706, and 67.1754, RSMo, and to enact in lieu thereof five new sections relating to the creation of exhibition center and recreational facility districts.

Was taken up by Senator Vogel.

On motion of Senator Vogel, **SCS** for **SB 754** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Griesheimer moved that motion lay on the table, which motion prevailed.

SCS for **SB 1040**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1040

An Act to repeal sections 260.370, 260.375, 260.380, 260.475, and 260.479, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste management, with an emergency clause.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SB 1040** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			

Stoll--2

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Clemens Jacob Stoll--3

Absent with leave--Senators--None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

At the request of Senator Gibbons, **SB 1123** was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 1020, SB 889 and SB 869**, with **SCS, SA 5** and **SSA 3** for **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 3 for **SA 5** was again taken up.

At the request of Senator Goode, the above substitute amendment was withdrawn.

SA 5 was again taken up.

At the request of Senator Griesheimer, the above amendment was withdrawn.

Senator Goode offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 12, Section 610.027, Line 23, by striking the following: "committed a grossly negligent violation of" and inserting in lieu thereof the following: "**knowingly violated**"; and further amend said section and page, Line 27, by striking the following: "grossly negligent" and inserting in lieu thereof the following: "**knowing**"; and

Further amend said bill, Page 17, Section 610.100, Lines 86 and 87 by striking the following: "committed a grossly negligent violation of" and inserting in lieu thereof the following: "**knowingly violated**"; and further amend said page and section, Line 90, by striking the words "grossly negligent" and inserting in lieu thereof the following: "**knowing**".

Senator Goode moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Steelman requested a roll call vote be taken on the adoption of **SA 6** and was joined in her request by Senators Callahan, Childers, Gibbons and Russell.

SA 6 was adopted by the following vote:

YEAS--Senators			
Cauthorn	Childers	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Klindt	Mathewson	Russell	Scott
Stoll	Vogel--18		
NAYS--Senators			
Bartle	Bray	Callahan	Caskey
Champion	Clemens	Dolan	Kinder
Loudon	Nodler	Shields	Steelman
Wheeler	Yeckel--14		
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

Senator Champion offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 3, Section 610.010, Line 66, by deleting the words "corporeal or" and inserting in lieu thereof the following: "**such meeting is conducted in person or**"; and further amend said page, line 67, by inserting immediately after the word "equipment" the following: ", **including, but not limited to, conference call, video conference, internet chat, or internet message board**"; and

Further amend said section, page 4, line 88, by inserting after the word "vote" as it appears the second time on said line the following: ", **whether conducted in person, by telephone, or by any other electronic means,**"; and

Further amend said page, section 610.020, line 3, by inserting immediately after the word "considered" the following: ", **and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting.**"; and

Further amend said section, page 5, lines 19-22, by striking said lines and inserting in lieu thereof the following: "cause such a place or time is impossible or impractical. [At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the notice of the meeting.] Every reasonable effort shall be made to grant special"; and further amend said page, line 23, by inserting immediately after all of said line the following:

"3. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any public meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting."; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend page 18, section 610.200, line 25, by inserting after all of said line the following:

"Section 1. Any member of a public governmental body who transmits any message relating to public business by electronic means, from a computer not physically located in the office of the public governmental body, shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions of section 610.021."; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 11, Section 610.026, Line 11, by inserting after the period "." the following: **"Search time that requires more than clerical duplication of documents may be charged at the actual cost of research time if such charges are certified as to their reasonableness and accuracy to the requesting person. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search and duplication time. Prior to producing copies of the requested records, the public governmental body shall provide an estimate of the cost to the person requesting the records."**

Senator Goode moved that the above amendment be adopted.

Senator Goode offered **SA 1** to **SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 1, Lines 16-18, by striking all of said lines and inserting in lieu thereof the following:

"copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SA 8, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 4, Section 610.011, Line 11, by

inserting after all of said line the following:

"610.015. Except as provided in section 610.021, rules authorized pursuant to article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. **All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for a committee established by the public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. No roll call votes in meetings of a public governmental body consisting of members who are all elected, except for a committee established by the public governmental body, shall be recorded via telephone, facsimile, internet, or any other voice or electronic means.**"; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Foster and Jacob.

SA 9 was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators			
Caskey	Foster	Shields--3	
Absent--Senator Stoll--1			
Absent with leave--Senators--None			

Senator Goode offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 13, Section 610.027, Line 65, by inserting immediately after said line the following:

"7. When a person submits a written complaint to the attorney general concerning the compliance of a public governmental body or a member of a public governmental body with sections 610.010 to 610.026 and the attorney general advises the public body of the complaint or otherwise attempts to resolve a dispute presented by such complaint, the public governmental body or member of that public governmental body shall cooperate with the attorney general for the purpose of resolving the dispute. When, in response to a complaint or on the attorney general's own initiative, the attorney general seeks to determine compliance of a public governmental body or member of a public governmental body with sections 610.010 to 610.026, the attorney general shall be entitled to obtain copies of open and closed records of any public governmental body, except records of privileged communications. If a public governmental body or a member of a public governmental body receives a record from a person or entity which asserts that such record is confidential or privileged, then such record shall be deemed to be a privileged communication for purposes of this subsection. Records identified as closed by the public governmental body that the attorney general obtains pursuant to this subsection shall remain

closed, except that the attorney general may use those records in any action brought to enforce the provisions of sections 610.010 to 610.026, by presenting them in any court proceeding if the attorney general determines that the records should not have been closed or that the records reflect an action or actions that should not have been conducted in a closed session."

Senator Goode moved that the above amendment be adopted.

Senator Goode offered **SA 1** to **SA 10**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 1, Line 6, by striking the word "610.026" and insert in lieu thereof the following: "**610.200**"; and further amend line 14, by striking the word "610.026" and insert in lieu thereof the following: "**610.200**"; and further amend page 2, line 7, by inserting at the end of the line the following: "**Any attempt by the attorney general to resolve a dispute shall be concluded within 30 days of the receipt of the complaint.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2** to **SA 10**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 2, Line 7, by inserting at the end of said line the following: "**The provisions of this subsection shall not apply to complaints involving public governmental bodies that are agencies of the state.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SA 10, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Steelman, **SB 1020**, **SB 889** and **SB 869**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1149**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Mike L. Newton Memorial Bridge.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1198**, entitled:

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to extraordinary dividends for insurance holding companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 833**, entitled:

An Act to repeal sections 67.793 and 67.799, RSMo, and to enact in lieu thereof three new sections relating to the creation of exhibition center and recreational facility districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 938**, entitled:

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 947**, entitled:

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to nuisances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 975**, entitled:

An Act to repeal sections 141.710, 141.760, and 141.790, RSMo, and to enact in lieu thereof three new sections relating to land trusts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 998** and **905**, entitled:

An Act to amend chapter 700, RSMo, by adding thereto one new section relating to eviction notice provisions for manufactured or mobile home land lease communities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1047**, entitled:

An Act to repeal section 78.590, RSMo, and to enact in lieu thereof one new section relating to salary of council members in certain cities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1275**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Newton to the city of Neosho.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1209**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state dinosaur.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 801**, entitled:

An Act to authorize the governor to convey land owned by the state in the county of Pettis.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judith Sutter Hinrichs, Republican, 24 Enfield Road, St. Louis, St. Louis County, Missouri 63132, as a member of the Missouri Gaming Commission, for a term ending April 29, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 9, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wallace S. Hartsfield, Democrat, 2843 Benton Blvd., Kansas City, Jackson County, Missouri 64128, as a member of the State Highway and Transportation Commission, for a term ending March 1, 2010, and until his successor is duly appointed and qualified; vice, Ollie Gates, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 9, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry Webber, Republican, 7 Melody Lane, Mexico, Audrain County, Missouri 65265, as a member of the State Highway and Transportation Commission, for a term ending March 1, 2010, and until his successor is duly appointed and qualified; vice, W.L. Orscheln, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

CONCURRENT RESOLUTIONS

Senator Klindt moved that **SCR 41**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 41** was taken up.

Senator Klindt moved that **SCS** for **SCR 41** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCR 41**, as amended by the **SCS**, was adopted by the following vote:

YEAS--Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--27	

NAYS--Senators

Bray	Coleman	Dougherty--3
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Absent--Senators

Bland	Dolan	Goode	Stoll--3
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Absent with leave--Senators--None

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 1020**, **SB 889** and **SB 869**, with **SCS**, as amended (pending), be called from the

Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Steelman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 18, Section 610.200, Line 25, by inserting at the end of said line:

"Section 1. Notwithstanding any other law to the contrary, information gathered by the department of health and senior services pursuant to section 192.667, RSMo, concerning the rate of staphylococcus aureus infections per health care provider as defined in section 192.665, RSMo, shall be considered a public record. The department shall not release data in a form which could be used to identify a patient."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 10, Section 610.022, Lines 28-35, by deleting all of said lines and inserting in lieu thereof the following:

"6. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in this chapter 610, RSMo, such later member shall state his or her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to section 610.027."; and

Further amend page 12, section 610.027, line 30, by inserting a period "." immediately after the close bracket "]".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bills Nos. 1029, 889 and 869, Page 12, Section 610.027, Line 7, by inserting immediately following the word "a" the words **"summons, petition,"**.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Section 610.021, Page 7, Line 72, by inserting immediately after the word "such" the words **", except that this section shall not require the disclosure of medical records relating to treatment of a public employee or the disclosure of any information or records that**

contain communications between an insurer and an insured that are otherwise recognized as privileged under the law;".

Senator Jacob moved that the above amendment be adopted.

Senator Bray offered **SSA 1** for **SA 14**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 7, Section 610.021, Line 69 of said page, by striking "employee"; and further amend line 70, by striking all of said line; and further amend line 71, by striking all bold faced language from said line.

Senator Bray moved that the above substitute amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 18, Line 25, Section 610.200, by inserting at the end of said line the following:

"Section 1. The sheriff of each county shall compile and maintain a list of all persons who have received a permit to carry a concealable firearm in that county pursuant to chapter 571, RSMo. For each person identified on the list, the sheriff shall complete and sign an affidavit affirmatively stating that his office has complied with all requirements of section 571.101, RSMo, in considering and approving the application filed pursuant to that section. Upon receipt of a request for a public record pursuant to section 610.023, the sheriff of such county shall make the list available. Upon receipt of a request for a public record pursuant to section 610.023, the sheriff of such county shall make the affidavit required by this section available. Any request made pursuant to this subsection shall be subject to any and all fees required by this chapter."

Senator Jacob moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 15**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 1, Section 610.026, Line 12, by inserting after the word "**chapter.**" the following:

"A person who has such a permit may request, in writing, that the sheriff not include the person's name on any list which is available to the public. Upon such a request, the sheriff shall not include the person's name on such list."

Senator Caskey moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1** to **SA 15**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 1 to Senate Amendment No. 15 to Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 1, Line 10, by inserting at the end of said line the following: **"The attorney general shall have the authority to investigate any permit issued, regardless of whether a person requests that such records relating to the permit be closed or not included on such list."**

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Jacob, **SSA 1** for **SA 1** to **SA 15** was withdrawn.

Senator Jacob offered **SSA 2** for **SA 1** to **SA 15**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 12, Line 40, Section 610.026, by inserting at the end of said line the following:

"6. The sheriff of each county shall compile and maintain a list of all persons who have received a permit to carry a concealable firearm in that county pursuant to chapter 571, RSMo. For each person identified on the list, the sheriff shall complete and sign an affidavit affirmatively stating that his office has complied with all requirements of section 571.101, RSMo, in considering and approving the application filed pursuant to that section. Upon receipt of a request for a public record pursuant to section 610.023, the sheriff of such county shall make the list available. Upon receipt of a request for a public record pursuant to section 610.023, the sheriff of such county shall make the affidavit required by this section available. Any request made pursuant to this subsection shall be subject to any and all fees required by this chapter. The attorney general shall have the authority to investigate any permit issued, regardless of whether a person requests that such records relating to the permit be closed or not included on such list."

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Jacob, **SSA 2** for **SA 1** to **SA 15** was withdrawn.

Senator Jacob offered **SSA 3** for **SA 1** to **SA 15**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 15

Amend Senate Amendment No. 15 to Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 1, Line 10, by inserting at the end of said line the following: **"The attorney general shall have the authority to investigate any permit issued, regardless of whether a person requests that such records relating to the permit be closed or not included on such list."**

Senator Jacob moved that the above substitute amendment be adopted.

Senator Caskey raised the point of order that **SSA 3** for **SA 1** to **SA 15** is not a true substitute amendment and is therefore out of order.

At the request of Senator Jacob, **SSA 3** for **SA 1** to **SA 15** was withdrawn, rendering the point of order moot.

SA 1 to SA 15 was again taken up.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1 to SA 15** and was joined in his request by Senators Bland, Bray, Caskey and Days.

SA 1 to SA 15 was adopted by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
NAYS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Quick	Wheeler--10		
Absent--Senators			
Dolan	Stoll--2		
Absent with leave--Senators--None			

SA 15, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Kennedy and Quick.

SA 15, as amended, failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Gibbons	Goode	Gross
Jacob	Kennedy	Loudon	Quick
Wheeler--13			
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Griesheimer	Kinder	Klindt	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
Absent--Senators			
Dolan	Stoll--2		
Absent with leave--Senators--None			

Senator Jacob offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 12, Section 610.026, Line 40, by inserting immediately after said line the following: "**The attorney general shall have the authority to investigate any permit issued to determine compliance with 571.101, RSMo.**".

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 16** is out of order, as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Jacob offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 12, Section 610.026, Line 40, by inserting immediately after said line the following: "**The attorney general shall have the authority to investigate any permit issued to determine compliance with 571.101 and 610.023, RSMo.**".

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 17** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Gross assumed the Chair.

Senator Bartle assumed the Chair.

Senator Steelman moved that **SCS** for **SBs 1020, 889 and 869**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SBs 1020, 889 and 869**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 1229, introduced by Senator Caskey, entitled:

An Act to repeal section 221.111, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of certain substances in correctional facilities, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 1229** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1218, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal section 335.076, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

Was called from the Consent Calendar and taken up.

SCS for **SB 1218**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1218

An Act to repeal section 335.016, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

Was taken up.

Senator Quick moved that **SCS** for **SB 1218** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 1218** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1162, introduced by Senator Jacob, entitled:

An Act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 1162** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Mathewson--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1048, introduced by Senator Nodler, et al, entitled:

An Act to repeal sections 137.101 and 301.025, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle registration process for certain organizations.

Was called from the Consent Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **SB 1048** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Mathewson--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 718**, with **SS** and **SS** for **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SB 718** was again taken up.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Bill No. 718, Page 5, Section 536.300, Line 11, by striking the words "pursuant to the" and inserting in lieu thereof the following: "**that complies with all of the**"; and further amend Line 19, by striking the words "pursuant to the" and inserting in lieu thereof the following: "**that complies with all of the**"; and

Further amend said bill, Page 6, Section 536.305, Lines 27 & 28, by striking the following: ", two of whom shall be public members"; and

Further amend said bill, Page 9, Section 536.315, Line 9, by inserting after all of said line the following:

"536.325. 1. Any state agency authorized to assess administrative penalties or adminis-trative fines upon a small business may consider waiving or reducing any administrative penalty or administrative fine for a violation of any statute, ordinance, or rules by a small business under the following conditions:

- (1) The small business corrects the violation within thirty days after receipt of a notice of violation or citation;**
- (2) The violation was unintentional or the result of excusable neglect;**
- (3) The violation was the result of an excusable misunderstanding of a state agency's interpretation of a rule; or**
- (4) The small business self-identifies the violation.**

2. Subsection 1 of this section shall not apply when:

- (1) A small business fails to exercise good faith in complying with the statute, ordinance, or rule;**
- (2) A violation involves willful or criminal conduct;**
- (3) The violation is deemed by the state agency to be egregious;**
- (4) A violation results in serious health, safety, or environmental impact;**
- (5) The penalty or fine is assessed pursuant to a federal law or regulation for which no waiver or reduction is authorized by the federal law or regulation; or**
- (6) There is a continuing pattern of similar violations by the small business.";** and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Jacob moved that **SS** for **SS** for **SB 718**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SS** for **SB 718**, as amended, was declared perfected and ordered printed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 969**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle assumed the Chair.

Senator Jacob requested unanimous consent of the body to withdraw **SB 1398**, which request was granted.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 1519, regarding Laura Ellen Lehman, Lee's Summit, which was adopted.

Senator Kennedy offered Senate Resolution No. 1520, regarding Beatrice "Grandma Bea" Ray, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Blythe Heits, Hamilton; and Jennifer Harrison, Marceline.

Senator Russell introduced to the Senate, Susie Johnson, Camden County.

Senator Kinder introduced to the Senate, Marty Stephens, Speaker of the Utah House of Representatives; and a delegation from National Conference of State Legislatures.

Senator Stoll introduced to the Senate, Margie Sammons, Arnold; and emergency medical services personnel from across Missouri.

On behalf of Senator Nodler and himself, Senator Childers introduced to the Senate, Glenda Parton, Lampe; Barbara Long, Joplin; and Pat Quick, Mt. Vernon.

Senator Loudon introduced to the Senate, Larry Amen and eighth grade students from Grace Christian School, Maryland Heights.

Senator Dolan introduced to the Senate, former State Senator, Judge Steve Ehlmann and Joe Ortweh, St. Charles.

Senator Gibbons introduced to the Senate, Ross and Tami Bopp and their daughters Lara and Tara, Kirkwood; and Lara and Tara were made honorary pages.

Senator Gibbons introduced to the Senate, Barb Cooper, Peggy Adams, Joanne Douglas, Susan Woodard, Jayne Jokerst, Nedra Klohr, Joan Miller, and Jackie Johnson, representatives of Bonhomme Federated Republicans.

Senator Yeckel introduced to the Senate, Katharine "Melody" Federer and Joanne Breckenridge, St. Louis County.

Senator Shields introduced to the Senate, Laurie Reichert, Kearney.

Senator Scott introduced to the Senate, Jaclyn Rohrs, Bolivar; and Tonya Goosen, Cole Camp; and Jaclyn and Tonya were made honorary pages.

Senator Russell introduced to the Senate, Donita Price, Linda McQuerter, Gwen Riggs, Jack Howard and Ken Goss, Lebanon.

Senator Russell introduced to the Senate, Lacy Morris, Mountain Grove.

Senator Griesheimer introduced to the Senate, Carol Perkins, Linda Hagen, Laura Roettering and Becky Specking, Washington.

Senator Caskey introduced to the Senate, Larry DesCombes and thirty-five eighth grade students from Leeton School, Leeton.

On behalf of Senator Nodler, the President introduced to the Senate, Brad Burton and Jordan Taylor, Greenfield; and Jordan was made an honorary page.

Senator Griesheimer introduced to the Senate, representatives of Federated Republican Women's Club: Randy Downs, Megan Halcrow, Jake Voss, Joe Kamphoefner, Catie Monzyk and Kathy Merkel, Washington; and Jessie and Megan Breuer, and Carolyn Sansone-Webb, Union; and Randy, Megan, Jake, Joe, Catie, Kathy, Jessie, Megan and Carolyn were made honorary pages.

Senator Griesheimer introduced to the Senate, Jackie Miller, Federated Republican Women's Club, Washington.

Senator Russell introduced to the Senate, Joe and Carol Whetstine, Jonathan and Lola Whetstine, Lydia Whetstine and Mrs. Rich, representatives of Federated Republican Women's Club, Texas County.

Senator Dougherty introduced to the Senate, Alderman Tom Bauer, St. Louis.

On behalf of Senator Nodler, the President introduced to the Senate, Kaynen Boehne, Lockwood.

Senator Bartle introduced to the Senate, Joy D. Freeland, Santa Fe Trails Republican Women's Club, Independence.

Senator Scott introduced to the Senate, Second Lieutenant Jennifer Howerton, Clinton.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Donald A. Potts, M.D., Kansas City.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY-WEDNESDAY, MARCH 10, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 895

HB 923-Holand and Fraser

HCS for HB 955

HB 960-Roark

HB 932-Bivins and Villa

HB 989-Barnitz and Kuessner

HB 1070-Miller, et al

HB 1071-Goodman

HB 1107-Crawford, et al

HB 1126-Seigfreid, et al

HB 1149-May, et al

HCS for HB 1198

HCS for HB 833

HB 938-Luetkemeyer

HCS for HB 947

HB 975-Johnson (47), et al

HCS for HBs 998 & 905

HB 1047-Guest and Bivins

HB 1275-Wilson (130), et al

HCS for HB 1209

HB 801-Smith (118)

THIRD READING OF SENATE BILLS

SCS for SB 1160-Shields, et al

SS for SCS for SB 968-Shields

SENATE BILLS FOR PERFECTION

SB 1180-Shields and Kinder, with SCS

SBs 1027 & 896-Cauthorn, et al, with SCS

SB 988-Steelman, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS

SB 809-Klindt, with SCS

SB 1232-Clemens, et al, with SCS

SB 1081-Kinder, et al, with SCS

SB 1141-Loudon, with SCS

SB 960-Gibbons, with SCS

SBs 1233, 840 & 1043-Dolan, with SCS

SB 710-Goode and Bray, with SCS

SB 1220-Caskey, with SCS

SBs 738 & 790-Loudon, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS (Klindt)

HB 969-Cooper, et al (Bartle)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS

for SCS & SA 24 (pending)

SB 755-Shields, with SCS

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 768-Nodler

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler Reported 3/8

SB 1240-Griesheimer, with SCS

SB 1249-Champion

SB 824-Griesheimer

SB 1112-Clemens

SB 1257-Days and Foster

SB 1133-Foster, et al

SB 1230-Clemens and Griesheimer

SB 1188-Loudon, with SCS

SB 1074-Coleman, with SCS

SB 1181-Yeckel, with SCS

SB 1250-Scott, with SCS

SB 1084-Foster, with SCS

SB 1165-Russell

SB 1274-Shields

SB 1047-Kennedy

SB 1142-Dolan, with SCS

SB 1083-Kennedy and Dougherty

SB 1262-Dolan, with SCS

SB 1299-Loudon

SB 1215-Griesheimer, with SCS

SB 1235-Loudon, with SCS

RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and Dougherty, with SCS

SCR 37-Shields and Bartle

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY--WEDNESDAY, MARCH 10, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Know that I am with you and will keep you wherever you go, and will bring you back to this land; for I will not leave you until I have done what I have promised you." (Genesis 28:15)

Creator God, we know Your promises and trust what You have taught us. So we thank You for being in all that we do and pray that all that we do is in keeping with what You will for us to accomplish. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

Senator Gross assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 1160**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1160

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository

program, with penalty provisions for a certain section.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS** for **SB 1160** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Bland-- 1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 968**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968

An Act to repeal sections 168.104, 168.124, 168.126, 168.303, and 169.712, RSMo, and to enact in lieu thereof five new sections relating to teachers.

Was taken up.

On motion of Senator Shields, **SS** for **SCS** for **SB 968** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 1180**, with **SCS**, was placed on the Informal Calendar.

Senator Cauthorn moved that **SB 1027** and **SB 896**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1027** and **896**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1027 and 896

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 544.640, and 544.650, RSMo, and to enact in lieu thereof twenty-five new sections relating to the licensing of surety recovery agents, with penalty provisions.

Was taken up.

Senator Cauthorn moved that **SCS** for **SBs 1027** and **896** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1027 and 896, Page 3, Section 374.702, Line 18, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said section and page, line 20, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said section and page, lines 31-34, by striking all of said lines; and

Further amend said bill, section 374.710, page 4, line 2 by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said page, line 3, by striking the opening bracket "[" and by striking the closing bracket "]"; and further amend said line by striking "374.695"; and further amend said section and page, lines 7-8, by striking "Newly licensed bail bond agents and general bail bond agents applicants shall not be issued a license unless they receive" and inserting in lieu thereof the following: "**An applicant for a bail bond and general bail bond agent license shall submit with the application proof that he or she has received**"; and

Further amend said section, page 5, line 34, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, section 374.735, page 7, line 8, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, section 374.755, page 8, line 4 by striking "374.789" and inserting in lieu thereof the

following: "**374.775**"; and

Further amend said section, page 9, line 9, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said page, line 18 by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said page, line 20, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and further amend said page, line 27, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, section 374.757, page 11, line 2, by striking "374.789" and inserting in lieu thereof the following: "**374.775**"; and

Further amend said bill, Section 374.759, Page 12, Lines 12 to 14, by striking said lines and inserting in lieu thereof the following:

"4. All Missouri licensed bail bond agents or licensed general agents shall be qualified, without further requirements, in all jurisdictions of this state, as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule."; and

Further amend said bill and page, Section 374.763, Lines 15 to 17, by striking said lines and inserting in lieu thereof the following:

"3. All duly licensed and qualified bail bond agents and general bail bond agents shall be qualified, without further requirements, to write bail upon a surety's liability in all courts of this state as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule."; and

Further amend said bill, section 374.764, page 13, line 23, by inserting after all of said line the following:

"374.765. 1. Any person who practices as a bail bond agent or general bail bond agent, or who purports to be a bail bond agent, or general bail bond agent, as defined in section 374.700, without being duly licensed under sections 374.700 to 374.775 is:

(1) For the first such offense, guilty of an infraction;

(2) For the second and each subsequent offense, guilty of a class A misdemeanor.

2. Any licensed bail bond agent who knowingly violates the provisions of one or more of subdivisions (3), (4), (10), (11), **or** (12)[, (13), (14), or (15)] of subsection 1 of section 374.755 shall be guilty of a class B misdemeanor."; and

Further amend said bill, section 374.784, page 14, line 25, by inserting immediately after the word "service" the following: "**within the ten years prior to the application being submitted to the department**"; and

Further amend said bill, section 374.787, page 17, lines 24 and 25, by striking all of said lines and inserting in lieu thereof the following: "**(7) Having a license revoked or suspended that was issued by another state.**"; and

Further amend said bill, Page 18, Section 544.640, Line 10, by striking the word "ninety" and inserting in lieu thereof the following: "**sixty**";

and

Further amend said bill, section 544.640, page 19, Line 25, by inserting after the word "surety" the following: "**and the court agrees with the physically impossible conditions**"; and further amend line 29, by striking the word "two years" and inserting in lieu thereof the following: "**one year**"; and further amend said page, line 31, by striking "under the following conditions:"; and further amend said page, lines 32-38, by striking all of said lines and inserting in lieu thereof the following: "**if the surety surrenders**"; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Bland offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1027 and 896, Page 4, Section 374.710, Line 8, by striking the word "**sixteen**" and inserting in lieu thereof of the word "**twenty-four**"; and further amend line 14, by striking the word "sixteen" and inserting in lieu thereof the word "**twenty-four**"; and further amend page 14, section 374.784, line 11, by striking the word "sixteen" and inserting in lieu thereof the word "**twenty-four**"; and further amend line 17, by striking the word "sixteen" and inserting in lieu thereof "**twenty-four**"; and further amend line 23, by striking the word "sixteen" and inserting in lieu thereof the word "**twenty-four**".

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn moved that **SCS** for **SBs 1027** and **896**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SBs 1027** and **896**, as amended, was declared perfected and ordered printed.

At the request of Senator Steelman, **SB 988**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gross, **SB 1069**, **SB 1068**, **SB 1025**, **SB 1005** and **SB 1089**, with **SCS**, were placed on the Informal Calendar.

Senator Klindt moved that **SB 809**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 809**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 809

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

Was taken up.

Senator Klindt moved that **SCS** for **SB 809** be adopted.

At the request of Senator Klindt, **SB 809**, with **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 1521, regarding Louis P. Hamilton, St. Louis, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1522, regarding Michael H. Camp, Chesterfield, which was adopted.

Senator Childers offered Senate Resolution No. 1523, regarding Becky Stults, Verona, which was adopted.

Senator Yeckel offered Senate Resolution No. 1524, regarding Courtney Loechl, Wildwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1525, regarding Abbey E. Gradle, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 1526, regarding Gene Williams, Sherwood, Arkansas, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SS** for **SB 718**; and **SCS** for **SBs 1020, 889 and 869**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONCURRENT RESOLUTIONS

Senator Shields moved that **SCR 37** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SCR 37** was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Dolan	Russell	Stoll--3	
Absent with leave--Senators--None			

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 715**, with **SCS**, **SS** for **SCS** and **SA 24** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 24 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Childers offered **SS** for **SS** for **SCS** for **SB 715**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030, 49.272, 50.343, 50.550, 50.740, 64.215, 64.825, 67.402, 67.793, 67.799, 67.1706, 67.1754, 115.124, 137.720, 190.044, 190.050, 190.051, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246, 190.248, 190.250, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630, 191.631, 204.455, 221.070, 247.110, 250.234, 260.830, 260.831, 304.010, 321.130, 321.180, 321.554, 321.556, 393.760, 488.447, 488.2275, 488.5026, 559.021, and 589.400, RSMo, and to enact in lieu thereof seventy-eight new sections relating to counties, with penalty provisions, an emergency clause for certain sections, and an expiration date for a certain section.

Senator Childers moved that **SS** for **SS** for **SCS** for **SB 715** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 149, Section 559.021, Lines 16-17, by deleting all of said lines and inserting in lieu thereof the following:

"section 50.565, RSMo. No court may order the assessment and payment authorized by this section if the plea of guilty or the finding of guilt is to the charge of speeding or is to any charge which is a class C misdemeanor or an infraction. No assessment and payment ordered pursuant to this section may exceed three hundred dollars for any charged offense. Any".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Pages 125-126, Section 221.070, by striking said section; and

Further amend said bill, Page 127, Line 7 of said page, by inserting after all of said line the following:

"221.070. 1. Every person who shall be committed to the common jail within any county in this state, by lawful authority, for any offense or misdemeanor, if he shall be convicted thereof, shall bear the expense of carrying him or her to said jail, and also his or her support while in jail, before he or she shall be discharged; and the property of such person shall be subjected to the payment of such expenses, and shall be bound therefor, from the time of his commitment, and may be levied on and sold, from time to time, under the order of the court having criminal jurisdiction in the county, to satisfy such expenses.

2. Every person who shall be committed to the common jail within any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, by lawful authority, for any offense or misdemeanor, if he or she shall be convicted thereof, may pay a fee upon being arrested and processed at the county jail. The amount of the processing fee shall be calculated annually by dividing the total amount of the salaries for employees of the county jail employed in the processing division by the total number of inmates processed during one year." .

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 65, Section 67.2530, Line 21, by inserting immediately after said line the following:

"89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements [and] **for** the posting of bonds [regarding] **or** escrows for subdivision-related [regulations] **improvements** as provided for in subsections 2 to [4] **5** of this section.

2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council [may accept a] **will accept, at the option of the developer, an escrow secured with cash, an escrow secured with an irrevocable letter of credit, or a surety bond, provided the surety bond must be issued by a surety bonding company with a bond rating reasonably acceptable to the city, town, or village and be otherwise reasonably acceptable to the city, town, or village** [or escrow] in [an] **form and** amount [and with surety and other reasonable conditions, providing]. **The escrow or bond shall provide** for and [securing] **secure** the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the **escrow or** bond; provided that, the release of such escrow **or bond** by the city, town or village shall be as specified in this section. The council may enforce the **escrow or** bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. **The regulations shall provide that in the event a developer who has posted an escrow or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow or bond, the municipality will accept a replacement escrow from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow, the city, town, or village shall release the original escrow or bond in full and release the prior developer from all further obligations with respect to the subdivision improvements.**

4. The regulations shall provide that any escrow **or bond** amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. **The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection.** Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds **or bond amount** are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds **or bond amount** are hand delivered to an authorized person or place as specified by the owner or developer.

[4.] **5.** If the city, town or village has not released the escrow funds **or bond amount** within thirty days as provided in

this section **or provided a timely inspection of the improvements or utility work after request for such inspection**, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds **or bond amount** have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

[5.] **6.** Nothing in this section shall apply to performance, maintenance and payment bonds required by cities, towns or villages.

[6.] **7.** Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.

8. This section shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 138, Section 321.180, Line 20, of said page, by inserting immediately after said line the following:

"321.552. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants[; or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants], the governing body of any ambulance or fire protection district may impose a sales tax in an amount up to one-half of one percent on all retail sales made in such ambulance or fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, provided that such sales tax shall be accompanied by a reduction in the district's tax rate as defined in section 137.073, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the ambulance or fire protection district submits to the voters of such ambulance or fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the ambulance or fire protection district to impose a tax pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

"Shall (insert name of ambulance or fire protection district) impose a sales tax of (insert amount up to one-half) of one percent for the purpose of providing revenues for the operation of the (insert name of ambulance or fire protection district) and the total property tax levy on properties in the (insert name of the ambulance or fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?

[] Yes [] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the ambulance or fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the ambulance or fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of such ambulance or fire protection district resubmits a proposal to authorize the governing body of the ambulance or fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

5. All sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the governing body of the district which levied the tax; such funds shall be deposited with the board treasurer of each such district.

6. The director of revenue may make refunds from the amounts in the trust fund and credit any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. If any district abolishes the tax, the district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend said bill, page 139, section 321.554, line 1 of said page, by striking the following: "; or any county with"; and further amends lines 2-3 of said page, by striking all of said lines; and further amend line 4 of said page, by striking the following: "inhabitants"; and

Further amend said bill, page 141, section 321.556, line 14 of said page, by striking the following: "; or any county with"; and further amends lines 15-16 of said page, by striking all of said lines; and further amend line 17 of said page, by striking the following: "inhabitants"; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 127, Section 204.455, Line 7 of said page, by inserting immediately after said line the following:

"229.340. **1.** Each applicant for a permit under the provisions of sections 229.300 to 229.370 may be required by the county highway engineer to pay a fee in an amount determined by the county commission by order of record, [not to exceed the sum of three dollars for each such application,] which fee is to be paid into a special fund in the county treasury and to be used for the purpose of paying the expenses incident to the provisions of sections 229.300 to 229.370. Any balance on hand in such fund at the end of the fiscal year of such county shall be paid into the special county road and bridge fund of such county.

2. The special use permit fees imposed by the county shall be calculated and administered using the criteria outlined in sections 67.1840 and 67.1842, RSMo, for the imposition of right-of-way permit fees. The special use permit fee shall not be imposed on a public utility right-of-way user for uses governed by the provisions of sections 67.1830 to 67.1846, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Pages 126-127, Section 204.455, of said page, by striking said section from the bill; and

Further amend said bill, Pages 127 & 128, Section 247.110, by striking said section from the bill; and

Further amend said bill, Pages 128 & 129, Section 250.234, by striking said section from the bill and inserting in lieu thereof the following:

"247.040. **1.** Proceedings for the formation of a public water supply district shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situate, or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of the improvement, an approximation of the assessed valuation of taxable property within the district and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding, and the petition shall be signed by not less than fifty voters or owners of real property within the proposed district and shall pray for the incorporation of the territory therein described into a public water supply district. The petition shall be verified by at least one of the signers thereof.

2. Upon the filing of the petition, the same shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the clerk of the court shall give notice of the filing of the petition in some newspaper of general circulation in the county in which the proceedings are pending, and if the district extends into any other county or counties, such notice shall also be published in some newspaper of general circulation in such other county or counties. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition, and shall set forth the date fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one days after the date of the last publication of the notice and shall be on some regular judicial day of the court wherein the petition is pending. Such notice shall be signed by

the clerk of the circuit court and shall be published in three successive issues of a weekly newspaper or in a daily newspaper once a week for three consecutive weeks.

3. The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

4. Exceptions to the formation of a district, or to the boundaries outlined in the petition for the incorporation thereof, may be made by any voter or owner of real property in the proposed district; provided, such exceptions are filed not less than five days prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon which the exceptions are being made. If any such exceptions be filed, the court shall take them into consideration in passing upon the petition and shall also consider the evidence in support of the petition and in support of the exceptions made. Should the court find that the petition should be granted but that changes should be made in the boundary lines, it shall make such changes in the boundary lines as set forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of incorporation, with such boundaries as changed.

5. Should the court find that it would not be to the public interest to form such a district, the petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor of the formation of such district, the court shall enter its decree of incorporation, setting forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid hearing. The decree of incorporation shall also divide the district into five subdistricts and shall fix their boundary lines, all of which subdistricts shall have approximately the same area and shall be numbered. The decree shall further contain an appointment of one voter from each of such subdistricts, to constitute the first board of directors of the district. No two members of such board so appointed or hereafter elected or appointed shall reside in the same subdistrict, except as provided in section 247.060. If no qualified person who lives in the subdistrict is willing to serve on the board, the court may appoint, or the voters may elect, an otherwise qualified person who lives in the district but not in the subdistrict. The court shall designate two of such directors so appointed to serve for a term of two years and one to serve for a term of one year. And the directors thus appointed by the court shall serve for the terms thus designated and until their successors shall have been appointed or elected as herein provided. The decree shall further designate the name and number of the district by which it shall hereafter be officially known.

6. The decree of incorporation shall not become final and conclusive until it shall have been submitted to the voters residing within the boundaries described in such decree and until it shall have been assented to by a majority of the voters as provided in subsection 9 of this section or by two-thirds of the voters of the district voting on the proposition. The decree shall provide for the submission of the question and shall fix the date thereof. The returns shall be certified by the judges and clerks of election to the circuit court having jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and declaring the result of such election.

7. If, upon canvass and declaration, it is found and determined that the question shall have been assented to by a majority of two-thirds of the voters of the district voting on such proposition, then the court shall, in such order declaring the result of the election, enter a further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court should find that the question had not been assented to by the majority above required, the court shall enter a further order declaring such decree of incorporation to be void and of no effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid orders. In the event that the court declares the decree of incorporation to be final, as herein provided for, the clerk of the circuit court shall file certified copies of such decree of incorporation and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. The costs incurred in the formation of the district shall be taxed to the district, if the district be incorporated otherwise against the petitioners.

9. If petitioners seeking formation of a public water supply district specify in their petition that the district to be organized shall be organized without authority to issue general obligation bonds, then the decrees relating to the formation of the district shall recite that the district shall not have authority to issue general obligation bonds and the vote required for such a decree of incorporation to become final and conclusive shall be a simple majority of the

voters of the district voting on such proposition.

10. All initial easement recording fees necessary to establish a water district created after the effective date of this section shall be payable at such time when the district is awarded grants or loans necessary for the construction of such district.

250.055. All initial easement recording fees necessary to establish a sewer district created after the effective date of this section shall be payable at such time when the district is awarded grants or loans necessary for the construction of such district."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 112, Section 190.250, Line 28 of said page, by inserting after all of said line the following:

"190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

- (1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;
- (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;
- (3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;
- (4) "Governing body", the legislative body for a city, county or city not within a county;
- (5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;
- (6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;
- (7) "Service supplier", any person providing exchange telephone services to any service user in this state;
- (8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who is provided exchange telephone service in this state;
- (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;
- (10) "Wireless service supplier", any person providing wireless telephone services to any wireless service user in this state;**
- (11) "Wireless service user", any person who uses a wireless telephone service in this state. For the purposes of sections 190.300 to 190.320, any imposition of a tax shall be in accordance with the Federal Mobile**

Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

190.304. 1. In addition to its other powers for the protection of the public health, a governing body of a county or a city not within a county may, by a majority vote of its members, choose to submit to a vote of the qualified voters of the county or a city not within a county a ballot containing either of the three proposals pursuant to subdivisions (1), (2), or (3) of this subsection to provide for the operation of an emergency telephone service. In no case shall a governing body be permitted to enact more than one provision of subdivisions (1), (2), or (3) of this subsection, whether in simultaneous elections or by separate elections. The taxes authorized pursuant to this subsection shall be in lieu of any tax authorized and adopted pursuant to sections 190.325 to 190.329; any tax adopted pursuant to sections 190.325 to 190.329 shall be repealed if any tax authorized pursuant to this subsection is adopted. If the governing body so chooses, by a majority vote of its members, it may submit:

(1) A proposition to the qualified voters of the county or a city not within a county to levy a tax for each access line or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county. The tax rate in the proposition to the voters per device which has an assigned mobile identification number containing an area code assigned to Missouri shall be as follows: If the average wired rate is greater than eighty cents, one dollar; if the average wired rate is greater than twenty cents but less than eighty-one cents, twenty-five cents; if the average wired rate is less than twenty-one cents, twelve cents. For the purpose of this subdivision, the term "wired rate" means the average levied tax per line for wire lines in such county or such city not within a county in the current year based on the tax on the tariff rate authorized in section 190.305. If a majority of the qualified voters of the county or a city not within a county adopt the provision in this subdivision, such tax shall be in addition to the tax authorized pursuant to section 190.305;

(2) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county, plus a tax of up to sixty cents per access line per month for wired telephone services in such county or a city not within a county. The taxes authorized pursuant to this subdivision shall not exceed sixty cents and shall be equal to one another; or

(3) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an assigned mobile identification number containing an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan administrator in such county or a city not within a county.

2. The taxes collected pursuant to this section shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body and shall include for reimbursement of the actual cost of providing wireless enhanced 911 services by the wireless service provider, but shall not exceed an amount equal to a maximum rate of twenty-five percent of the total tax collected from the wireless subscriber. Reimbursement to the wireless service provider for the actual cost includes services as defined by the Federal Communications Commission orders and 47 CFR 20.18(d). Those services shall include hardware and software components and functionalities that precede the 911 selective router, including trunks from the wireless service provider's mobile switching center to the 911 selective router, and the particular database, interface devices, and trunks needed to deliver data to the public safety answering point. Collection of such taxes shall not begin prior to twelve months before the operation upgraded to facilities which implement phase I enhanced 911 services as described in Federal Communications Docket 94-102, or in counties which do not have a functioning emergency telephone service and dispatch center the collection of such taxes shall not begin prior to twenty-seven months before operation of such emergency telephone service and dispatch center.

3. Any county or city not within a county which has not implemented service pursuant to the requirements of subsection 2 of this section shall immediately cease collection of such tax, and if the county or city not within a county fails to implement such service within twelve months thereafter, the governing body of such county or

city not within a county shall remit all taxes collected pursuant to this section to the state treasurer to be deposited in the 911 emergency services fund created pursuant to section 190.312.

4. Every billed service user or wireless service user is liable for the taxes until it has been paid to the service supplier.

5. The duty to collect the tax from a service user or wireless service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier or wireless service supplier shall be added to and shall be stated separately in the billings to the service user or wireless service user.

6. Nothing in this section imposes any obligation upon a service supplier or wireless service supplier to take any legal action to enforce the collection of the tax imposed by this section unless the charges for wireless service are unpaid. The service supplier or wireless service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users or wireless service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the wire line or wireless service in accordance with the regular billing practice of the service supplier.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.

9. Beginning three years after the enactment of this section, and biennially thereafter, the office of administration, division of information services, shall review, over a period of three months, the adequacy of, inadequacy of, or surplus produced by revenue generated from the levy intended to meet the actual costs to the county and the wireless service provider for 911 services as established in sections 190.300 to 190.312, 190.335 and 190.430, and sections 650.320 and 650.330, RSMo. The review shall result in a report to the governor, general assembly, and the local governing authority. The report shall include, but not be limited to: an analysis of the total revenue; the revenue apportioned to the county and to the carrier for providing services; the costs to the county for providing services; a review of the carrier's billings and compliance with areas of reimbursement recovery as it is defined in subsection 2 of this section; and make recommendations, including but not limited to, increasing or decreasing the levy to reflect costs.

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated

with the answering and dispatching of emergency calls as deemed appropriate by the governing body **and for no other purpose**, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.

5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services."; and

Further amend said bill, Section 190.306, Page 114, Line 14 of said page, by inserting after all of said line the following:

"190.310. 1. The [tax] **taxes** imposed by sections 190.300 to 190.320 and the amounts required to be collected are due [quarterly] **monthly**. The amount of [tax] **taxes** collected in one [calendar quarter] **month** by the service supplier **or wireless service supplier** shall be remitted to the governing body no later than [sixty] **thirty** days after the close of a [calendar quarter] **month**. On or before the [sixtieth] **thirtieth** day of each [calendar quarter] **month** following, a return for the preceding [quarter] **month** shall be filed with the governing body in such form as the governing body and service supplier **or wireless service supplier** shall agree. The service supplier **or wireless service supplier** will include the list of any service user **or wireless service user** refusing to pay the [tax] **taxes** imposed by sections 190.300 to 190.320 with each return filing. The service supplier **or wireless service supplier** required to file the return shall deliver the return, together with a remittance of the amount of the [tax] **taxes** collected under the provisions of sections 190.300 to 190.320. The records shall be maintained for a period of one year from the time the [tax] **taxes** is collected.

2. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier **or wireless service supplier** required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. Every remittance to the governing body which is not paid within thirty days of the due date thereof by the service supplier or wireless service provider shall accrue interest at the rate of one percent per month for which such payment is overdue.

4. Nothing in this section shall prevent the governing body and the service supplier or wireless service supplier from entering into an agreement for an alternate remittance schedule which in no event shall require payments less frequently than quarterly.

5. For any county collecting the tax authorized pursuant to section 190.305, at least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by sections 190.300 to 190.320. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in sections 190.300 to 190.320. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate. The governing body may require an audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by sections 190.300 to 190.320.

6. Twenty percent of the taxes collected pursuant to any tax levied for wireless services pursuant to section 190.304, subject to the provisions of subsection 7 of this section, shall be collected by the governing body of the county or city not within a county levying the tax and forwarded each quarter to the department of revenue to be deposited in the 911 emergency services fund, which is created pursuant to section 190.312.

7. When at least sixty percent of the counties comprising at least seventy-five percent of the population in this state have enacted a tax pursuant to this section, the percentage of such taxes being deposited in the 911 emergency services fund shall be reduced from twenty percent to ten percent, and two calendar years after the office of administration verifies passage of the tax authorized pursuant to section 190.304 in ninety percent of the counties in the state, the percentage deposited in the 911 emergency services fund shall be eliminated.

190.312. 1. There is hereby created in the state treasury the "911 Emergency Services Fund", which shall consist of moneys collected pursuant to subsection 6 of section 190.310. The fund shall be administered by the office of administration in consultation with the department of public safety.

2. Cost for administering such programs created pursuant to this section shall be paid from the 911 emergency services fund.

3. Other than costs for administration, moneys in the fund shall be used solely for matching grants to counties or a city not within a county for the purpose of implementation of a comprehensive statewide 911 system.

4. Only counties or a city not within a county which have authorized a tax pursuant to section 190.304 shall be eligible to receive grants from the 911 emergency services fund.

5. Any county or city not within a county receiving a grant pursuant to this section shall be required to match at least twenty-five percent of such grant with local funds.

6. No county or city not within a county shall receive grants in excess of five percent of the total funds available in any fiscal year or receive grants for longer than three consecutive years.

7. Grants may be made on a collective basis to counties which enter into an inter-county agreement to provide services.

8. The office of administration shall promulgate rules for the implementation and administration of grants from the 911 emergency services fund.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

11. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

190.335. 1. In lieu of the tax levy authorized under section **190.304** or 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

[] YES [] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales

tax pursuant to the provisions of this section, the county commission shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

190.430. [1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2, 1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to

public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8.] Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct."; and

Further amend said bill, Page 153, Section 644.583, Line 17 of said page, by inserting after all of said line the following:

"650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "911", the primary emergency telephone number within the wired and wireless telephone system;

[(1)] **(2) "Committee", the advisory committee for 911 service oversight established in section 650.325;**

[(2)] **(3) "Public safety answering point", the location at which 911 calls are initially answered;**

[(3)] **(4) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.**

650.330. 1. The committee for 911 service oversight shall consist of sixteen members, one of which shall be chosen from the department of public safety who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to counties;

(2) One member chosen to represent the Missouri public service commission;

- (3) One member chosen to represent emergency medical services;
- (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;
- (5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;
- (6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;
- (7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;
- (8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;
- (9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;
- (10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;
- (11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;
- (12) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri;
- (13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;
- (14) One member chosen to represent a professional association of physicians who conduct with emergency care; and
- (15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers.

2. Each of the members of the committee for 911 service oversight shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years. Members of the committee may serve multiple terms.

3. The committee for 911 service oversight shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other activities of the committee. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the committee.

4. The committee for 911 service oversight shall:

- (1) Organize and adopt standards governing the committee's formal and informal procedures;
- (2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;
- (3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;
- (4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the

provision of 911 services, except that such committee shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; [and]

(9) Advise the department of public safety and the office of administration regarding the implementation of Federal Communications Docket 94-102 or any subsequent orders on the same or similar subjects;

(10) Advise the department of public safety and the office of administration on the administration of grants from the 911 emergency services fund created pursuant to section 190.312, RSMo, for the purpose of implementing comprehensive statewide 911 services; and

[(9)] **(11)** Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340.

5. The department of public safety shall provide staff assistance to the committee for 911 service oversight as necessary in order for the committee to perform its duties pursuant to sections 650.320 to 650.340.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 182, Section 192.250, Line 9 of said page, by inserting after all of said line the following:

"[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

(1) "911", the primary emergency telephone number within the wireless system;

(2) "Board", the wireless service provider enhanced 911 advisory board;

(3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

(4) "Public safety answering point", the location at which 911 calls are initially answered;

(5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.).]

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

- (1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;
- (2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;
- (3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and
- (4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

- (1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;
- (2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;
- (3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and
- (4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Bartle offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 144, Section 393.760, Line 22, by inserting at the end of said line the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in

which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit. [Notwithstanding the foregoing provisions of this subsection, in any city with a population of over four hundred thousand with full-time municipal judges who are subject to a plan of merit selection and retention, such municipal judges and court personnel of the municipal divisions shall not be subject to court management and case docketing in the municipal divisions by the presiding judge or the rules of the circuit court of which the municipal divisions are a part.]

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 142, Section 321.556, Line 11, by inserting after all of said line the following:

"393.015. 1. Notwithstanding any other provision of law to the contrary, any [sewer] **water** corporation, municipality **providing water**, or [sewer] **any water** district established under the provisions of chapter [249 or 250] **247**, RSMo, [or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, municipality, or public water supply district established under chapter 247, RSMo, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation, municipality or public water supply district is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation, municipality or public water supply district shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer] **shall, upon request of any municipality providing sewer service or public sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority,**

contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider.

2. [A water corporation, municipality, or public water supply district acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.] Any water provider, or independent contractor acting for such water provider, disconnecting water service to collect a delinquent sewer charge at the request of a sewer provider pursuant to a water termination agreement made pursuant to this section shall be immune from civil liability for damages or costs resulting from disconnection.

3. In the event that any water provider and any sewer provider are unable to reach an agreement as provided in this section within six months of the receipt of such request by the water provider, then the sewer provider making the written request may file with the circuit court in which such water provider was incorporated, or if such water provider was not incorporated by a circuit court, then with a circuit court having jurisdiction of the water provider, a petition requesting that three commissioners be selected to draft such an agreement.

4. Any agreement drafted by such commissioners or entered into under the provisions established in this section shall contain the following provisions:

(1) The rules and regulations or ordinances of the sewer provider shall provide the number of delinquent days required before water service may be discontinued for failure to pay incurred sewer charges. Such period of time shall be equal to the number of delinquent days required before water service is discontinued for failure to pay incurred water charges as set by the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the incurred charges or rental due unless the sewer provider shall first provide written notice to the water provider requesting discontinuation of service. The notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of the delinquent amount is received by the water provider, water service shall be restored to the user;

(3) All reasonable expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider;

(4) The sewer provider shall hold the water provider, or any independent contractor who performs or carries out such agreement under contract with the water provider, harmless as a result of the agreement between the sewer provider and water provider or as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor arising in any way from such agreement;

(5) The expense and cost of the water provider shall be recalculated annually, providing for annual increases or decreases in the National Consumers Price Index for All Urban Consumers (CPI-U), unadjusted for seasonal variation, as published by the United States Department of Labor. The amount due the water provider during the subsequent year shall be increased or decreased according to any change occurring in such costs and expenses;

(6) When a water provider is collecting delinquent amounts for both water and sewer service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider shall be divided equally between the water provider and the sewer provider.

5. Upon the filing of such petition, the sewer provider shall appoint one commissioner. The water provider shall appoint a commissioner within thirty days of the service of the petition upon it. If the water provider fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the water provider within forty-five days of service of the petition on the water provider. Such two named commissioners shall agree to appoint a third commissioner within thirty days after the appointment of the second commissioner, but in the event that they fail to do so, the court shall appoint a third commissioner within sixty days after the appointment of the second commissioner.

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing may be continued from time to time by the commissioners. The commissioners shall consider all such evidence and information submitted to them and prepare such agreement as provided herein. Said agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as herein provided.

7. If the court finds that such agreement meets the requirements of this section, then the court shall enter its judgment approving such agreement and order it to become effective sixty days after the date of such judgment. If such agreement does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

8. The judgment and order of the court shall be subject to appeal as provided by law. All costs, including commissioners' compensation, shall be taxed to and paid by the sewer provider requesting an agreement. The court shall also order payment of a reasonable attorney fee and fees of expert witnesses of the water provider by the sewer provider to the water provider.

393.016. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 128, Section 247.110, Line 20, by inserting after all of said line the following:

"250.140. 1. **The consumer or person who contracted for the supply of** sewerage services or water and sewerage services combined shall be [deemed to be furnished to both the occupant and owner of the premises receiving] **liable for such [service] services** and the city, town or village or sewer district rendering such services shall have power to sue [the occupant or owner, or both,] **such person** of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

2. [If the occupant of the premises receives the billing, any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the entity rendering such service with the owner's business addresses.] **In cases where the premises receiving such services are provided to individuals living in a multi-family dwelling or unit or any other leasehold in which such services are billed or measured by a master meter, the owner of such premises shall be liable for such services and the city, town or village or sewer district rendering such services shall have power to sue such owner of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court. Nothing in this subsection shall prevent the owner of such premises from pursuing a civil action to recover any sums owed to the owner from any occupant.**";and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 113, Section 190.306, Line 8 of said page, by inserting after all of said line the following:

"190.331. Notwithstanding the provisions of section 70.600, RSMo, to the contrary, a joint municipal public safety communications center shall be considered a political subdivision for the purposes of sections 70.600 to 70.755, RSMo, and employees of a joint municipal public safety communications center shall be eligible for membership in the Missouri local government employees' retirement system upon the joint municipal public safety communications center becoming an "employer" as defined in subdivision (11) of section 70.600, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 153, Section 644.583, Line 17, of said page, by inserting immediately after said line the following:

"701.304. 1. A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, may conduct an inspection or a risk assessment at a dwelling or a child-occupied facility for the purpose of ascertaining the existence of a lead hazard under the following conditions:

- (1) The department, owner of the dwelling, and an adult occupant of a dwelling which is rented or leased have been notified that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule; and
- (2) The inspection or risk assessment occurs at a reasonable time; and
- (3) The representative of the department or local government presents appropriate credentials to the owner or occupant; and
- (4) Either the dwelling's owner or adult occupant or the child-occupied facility's owner or agent grants consent to enter the premises to conduct an inspection or risk assessment; or
- (5) If consent to enter is not granted, the representative of the department, local government, or local health department may petition the circuit court for an order to enter the premises and conduct an inspection or risk assessment after notifying the dwelling's owner or adult occupant in writing of the time and purpose of the inspection or risk assessment at least forty-eight hours in advance. The court shall grant the order upon a showing that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule.

2. In conducting such an inspection or risk assessment, a representative of the department, or representative of a unit of local government or health department licensed by the department for this purpose, may remove samples necessary for laboratory analysis in the determination of the presence of a lead-bearing substance or lead hazard in the designated dwelling or child-occupied facility.

3. The director shall assess fees for licenses and accreditation **and levy fines** in accordance with rules promulgated pursuant to sections 701.300 to [701.330] **701.338**. All such fees **and fines** shall be deposited into the state treasury to the credit of the public health services fund established in section 192.900, RSMo.

4. In commercial lead production areas where the department of health and senior services determines that an individual, who resides in a single family dwelling and the owners use it as their primary residence, has an elevated blood lead level that is due directly to lead paint, the owner of the dwelling shall make a good faith effort to abate the lead paint as directed by the department. Upon completion of such good faith efforts to abate the lead paint, the owner of the dwelling shall not be subject to any fines issued pursuant to this section.

701.305. The department of health and senior services shall provide on its Internet website educational information that explain

the rights and responsibilities of the property owner and tenants of a dwelling and the lead inspectors, risk assessors, and the lead abatement contractors.

701.308. 1. Upon receipt of written notification of the presence of a lead hazard, the owner shall comply with the requirement for abating or establishing interim controls for the lead hazard in a manner consistent with the recommendations described by the department and within the applicable time period. If the dwelling or child-occupied facility is a rental or leased property, the owner may remove it from the rental market.

2. Except as provided in subsection 1 of this section, no tenant shall be evicted because an individual with an elevated blood lead level or with suspected lead poisoning resides in the dwelling, or because of any action required of the

dwelling owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not operate to prevent the owner of any such dwelling from evicting a tenant for any other reason as provided by law.

3. No child shall be denied attendance at a child-occupied facility because of an elevated blood lead level or suspected lead poisoning or because of any action required of the facility owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not prevent the owner or agent of any such child-occupied facility from denying attendance for any other reason allowed by law.

4. **A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, is authorized to re-enter a dwelling or child-occupied facility to determine if the required actions have been taken that will result in the reduction of lead hazards. If consent to enter is not granted, the representative of the department, local government, or local health department may petition the court for an order to enter the premises. The court shall grant the order upon a showing that the representative of the department, local government, or local health department has attempted to notify the dwelling's owner or adult occupant in writing of the time and purpose of the re-entry at least forty-eight hours in advance.**

5. [Whenever] **Upon re-entry, if** the department[,] **or** a representative of a unit of local government[,] or local health department licensed by the department for this purpose, finds[, after providing written notification to the owner,] that **the owner has not taken the** required actions which [will result] **have resulted** in the reduction of [a] lead [hazard in a dwelling or child-occupied facility have not been taken] **hazards**, the owner shall be deemed to be in violation of sections 701.300 to 701.338. Such violation shall not by itself create a cause of action. The department or the local government or local health department shall:

- (1) Notify in writing the owner found to be causing, allowing or permitting the violation to take place; and
- (2) Order that the owner of the dwelling or child-occupied facility shall cease and abate causing, allowing or permitting the violation and shall take such action as is necessary to comply with this section and the rules promulgated pursuant to this section.

[5.] **6.** If [no action is taken pursuant to subsection 4 of this section which would result in abatement or interim control of the lead hazard within the stated time period], **upon re-entry, the lead hazard has not been reduced**, the following steps may be taken:

- (1) The local health officer and local building officials may, as practical, use such community or other resources as are available to effect the relocation of the individuals who occupied the affected dwelling or child-occupied facility until the owner complies with the notice; or
- (2) The department[,] **or** representative of a unit of local government or health department licensed by the department for this purpose, [shall] **may** report any violation of sections 701.300 to 701.338 to the prosecuting attorney of the county in which the dwelling or child-occupied facility is located and notify the owner that such a report has been made. The prosecuting attorney shall seek injunctive relief to ensure that the lead hazard is abated or that interim controls are established.

7. In addition to the injunctive relief provided in subdivision 2 of subsection 6 of this section, the court may impose a fine against the owner of the dwelling or child-occupied facility found to be in violation of any provision of sections 701.300 to 701.338, RSMo. The amount of such fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed ten thousand dollars. The fine shall not be less than five thousand dollars if said owner has failed to reduce identified lead hazards upon a showing that:

- (1) **Said property owner has been notified that an occupant or child less than six years of age dwelling in his property has an elevated blood lead level pursuant to section 701.306;**
- (2) **That re-entry by the department under subsection 5 of this section revealed that the required actions to**

reduce the lead hazards were not taken; and

(3) Another occupant or child less than six years of age dwelling in his property is identified with an elevated blood lead level.

701.309. 1. At least ten days prior to the onset of a lead abatement project, the lead abatement contractor conducting such an abatement project shall:

- (1) Submit to the department a written notification as prescribed by the department; and
- (2) Pay a notification fee of twenty-five dollars.

2. In addition to the specified penalties in section 701.320, failure to notify the department prior to the onset of a lead abatement project shall result in a fine levied by the department of one thousand dollars imposed against the lead abatement contractor for the first identified offense, two thousand dollars for the second identified offense, and thereafter, fines shall be doubled for each identified offense.

3. The lead abatement contractor shall inform the owners and tenants of a dwelling that information regarding potential lead hazards can be accessed on the department's Internet website.

4. If the lead abatement contractor is unable to comply with the requirements of subsection 1 of this section because of an emergency situation as defined by rule, the contractor shall:

- (1) Notify the department by other means of communication within twenty-four hours of the onset of the project; and
- (2) Submit the written notification and notification fee prescribed in subsection 1 of this section to the department no more than five days after the onset of the project.

5. Upon completion of the abatement, the lead abatement contractor shall submit to the department written notification and the final clearance inspection report.

701.311. 1. Any authorized representative of the department who presents appropriate credentials may, at all reasonable times, enter public or private property to conduct compliance inspections of lead abatement contractors as may be necessary to implement the provisions of sections 701.300 to 701.338 and any rules promulgated pursuant to sections 701.300 to 701.338.

2. It is unlawful for any person to refuse entry or access requested for inspecting or determining compliance with sections 701.300 to 701.338. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction for the purpose of enabling such inspections.

3. Whenever the director determines through a compliance inspection that there are reasonable grounds to believe that there has been a violation of any provision of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, the director shall give notice of such alleged violation to the owner or person responsible, as provided in this section. The notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for the issuance of the notice;
- (3) Allow reasonable time as determined by the director for the performance of any act the notice requires;
- (4) Be served upon the property owner or person responsible as the case may require, provided that such notice shall be deemed to have been properly served upon such person when a copy of such notice has been sent by registered or certified mail to the person's last known address as listed in the local property tax records concerning such property, or when such person has been served with such notice by any other method authorized by law;

(5) Contain an outline of corrective action which is required to effect compliance with sections 701.300 to 701.338 and the rules promulgated pursuant to sections 701.300 to 701.338.

4. In the event the department is required to revisit an abatement project, either because a contractor is not present for the notification visit referenced in section 701.309, RSMo, or because the contractor is found in violation of a provision of sections 701.300 to 701.338, RSMo, or any regulation promulgated thereunder, the lead abatement contractor shall pay a fee of one hundred and fifty dollars per re-visit.

5. If an owner or person files a written request for a hearing within ten days of the date of receipt of a notice, a hearing shall be held within thirty days from the date of receipt of the notice before the director or the director's designee to review the appropriateness of the corrective action. The director shall issue a written decision within thirty days of the date of the hearing. Any final decision of the director may be appealed to the administrative hearing commission as provided in chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed as provided in sections 536.100 to 536.140, RSMo.

[5.] **6.** The attorney general or the prosecuting attorney of the county in which any violation of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, occurred shall, at the request of the city, county or department, institute appropriate proceedings for correction.

[6.] **7.** When the department determines that an emergency exists which requires immediate action to protect the health and welfare of the public, the department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the director by the local prosecuting attorney or the attorney general. For the purposes of this subsection, an "emergency" means any set of circumstances that constitutes an imminent health hazard or the threat of an imminent health hazard.

8. In addition to any other penalty provided by law, the department may assess a fine in a maximum amount not to exceed one thousand dollars for the first violation and five thousand dollars for each subsequent violation against any inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or contractor licensed by the department who violates a provision of sections 701.300 to 701.338, or any rule promulgated thereunder. In the cases of a continuing violation, every day such violation continues shall be deemed a separate violation.

701.312. 1. The director of the department of health and senior services shall develop a program to license lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to issue, restrict, suspend, revoke, deny and reissue licenses;
- (2) The ability to enter into reciprocity agreements with other states that have similar licensing provisions;
- (3) Fees for any such licenses;
- (4) Training, education and experience requirements; and
- (5) The implementation of work practice standards, reporting requirements and licensing standards.

2. [The director shall issue temporary risk assessor licenses to persons who, as of August 28, 1998, are licensed by the department as lead inspectors. The temporary risk assessor licenses issued pursuant to this subsection shall expire upon the same date as the expiration date of such person's lead inspector license. The director shall set forth standards and conditions under which temporary risk assessor licenses shall be issued.] **The director shall require, as a condition of licensure, lead abatement contractors to purchase and maintain liability insurance. The director shall require a licensee or an applicant for licensure to provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities of which the licensee or applicant may be liable. The licensee or applicant may provide proof of liability insurance in an amount to be determined by the director which shall**

not be less than three hundred thousand dollars.

701.313. 1. Any local community organization, government agency, or quasi-government agency issuing grants or loans for lead abatement projects must provide written notification to the department no later than ten days prior to the onset of a lead abatement project. The written notification shall include, but not be limited to, the name of the lead abatement contractor, the address of the property on which the lead abatement project shall be conducted, and the date on which the lead abatement project will be conducted.

2. If the local community organization, government agency, or quasi-government agency fails to provide written notification for each property pursuant to subsection 1 of this section, a fine of two hundred fifty dollars shall be levied by the department.

3. If the local community organization, government agency, or quasi-government agency is unable to comply with the requirements in subsection 1 of this section due to an emergency situation, as defined by the department, the local community organization, government agency, or quasi-government agency shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the lead abatement project; and

(2) Provide written notification to the department no later than five days after the onset of the lead abatement project.

701.320. 1. Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

2. Any subsequent violation of the provisions of sections 701.308, 701.309, 701.310, 701.311, and 701.316 is a class D felony.

701.336. 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, American Academy of Pediatrics, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning by August 28, 2008. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.

3. The division of family services, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

4. The department of social services shall seek Medicaid waivers for the funding of lead prevention cleaning treatments and lead hazard reduction measures in the properties of Medicaid recipients. The department shall coordinate with the department of health and senior services to ensure that priority homes receive the appropriate funding and that risk assessments are conducted for the purpose of identifying lead hazards in properties.

701.342. 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at

high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.

2. Every child six months through six years of age not residing or spending more than ten hours a week in geographic areas identified as high risk by the department shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall be tested using a blood sample.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

5. The department of social services, in collaboration with the department of health and senior services, shall ensure that all children six months through six years of age who are in foster care in geographic areas identified as high risk by the department are tested annually for lead poisoning. The costs of the testing shall be paid through the state Medicaid program. If a child who is in foster care and resides in a high risk area is not eligible for Medicaid, the costs of the testing shall be paid by the state.

6. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

[6.] 7. When the department is notified of a case of lead poisoning, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead-poisoned child."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 715, Page 149, Section 559.021, Lines 16-17, by deleting all of said lines and inserting in lieu thereof the following:

"section 50.565, RSMo. No court may order the assessment and payment authorized by this section if the plea of guilty or the finding of guilt is to the charge of speeding, careless and imprudent driving, any charge of violating a traffic control signal or sign, or any charge which is a class C misdemeanor or an infraction. No assessment and payment ordered pursuant to this section may exceed three hundred dollars for any charged offense. Any".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that **SS** for **SS** for **SCS** for **SB 715**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **SS** for **SCS** for **SB 715**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 1020, 889 and 869**; and **SS** for **SS** for **SB 718** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 1027 and 896**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 10, 2004

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No.1003 entitled:

AN ACT

To repeal sections 208.152, 208.204, and 630.210, RSMo, and to enact in lieu thereof four new sections relating to the children's mental health reform act.

On March 10, 2004, I approved said Senate Committee Substitute for Senate Bill No. 1003.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Abriana Andrews and her mother, Crystal Adamson, Seneca; and Jerri Sargent and Gary Duncan, Joplin.

Senator Wheeler introduced to the Senate, Jim Berry, Tom Brown, Todd Wilhelmus, Joe Bianco, Mike McDonald, Marty Gibson and St. Elizabeth Pack 150 Webelos, Kansas City; and Jacob Berry, Brian Brown, Garrett Wilhelmus, Tim Bianco, Jacob McDonald, Matthew Gibson, Chris Wallace, Michael Burrell, B.J. Shroeder, Dan Tapko, Luke Livers, Alex Tomlinson, Jack Shepherd, Jack Ritz and Charlie Doering were made honorary pages.

Senator Champion introduced to the Senate, the Physician of the Day, Dr. John Lilly, M.D., Springfield.

Senator Champion introduced to the Senate, Linda Loewenstein, St. Louis.

Senator Kennedy introduced to the Senate, Pat King, Farmington.

Senator Shields introduced to the Senate, Myron and Angela Unruh, and their sons, Seth and Mark, Platte County; and Seth and Mark were made honorary pages.

On behalf of Senators Bray, Griesheimer, Stoll and herself, Senator Coleman introduced to the Senate, Lee Fetter, Webster Groves; Dena Ladd, Ladue; Jeff Herbig, Cedar Hill; Diana Kraus, Eureka; and Todd Sklamberg, Wildwood.

Senator Bray introduced to the Senate, Ricki McGuire, Brentwood.

Senator Yeckel introduced to the Senate, Julie Huss, St. Louis County.

Senator Nodler introduced to the Senate, his wife Joncee, and Paulette Mitchell, Donald Lowe and Billy Mitchell, Joplin; and Denise and Don Jessen, Neosho.

Senator Yeckel introduced to the Senate, Debbie Virtue and her children, Debbie and Jacob; Homeschoolers from St. Louis County.

Senator Wheeler introduced to the Senate, Donna Gentry, Karen Converse, Barbara Pfaff, Joy Hays, Sharon Vickers, Kathy Feters and representatives of Kansas City Hospice, Kansas City.

Senator Russell introduced to the Senate, David Hall, Plato.

Senator Caskey introduced to the Senate, Tim and Sheri English and their children, Isaiah, Daniel and Deborah, Homeschoolers from Pleasant Hill.

Senator Caskey introduced to the Senate, Pamela Walden and her children, Hannah and Joshua, Homeschoolers from Raymore; and Hanna and Joshua were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY-THURSDAY, MARCH 11, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 895

HB 923-Holand and Fraser

HCS for HB 955

HB 960-Roark

HB 932-Bivins and Villa

HB 989-Barnitz and Kuessner

HB 1070-Miller, et al

HB 1071-Goodman

HB 1107-Crawford, et al

HB 1126-Seigfreid, et al

HB 1149-May, et al

HCS for HB 1198

HCS for HB 833

HB 938-Luetkemeyer

HCS for HB 947

HB 975-Johnson (47), et al

HCS for HBs 998 & 905

HB 1047-Guest and Bivins

HB 1275-Wilson (130), et al

HCS for HB 1209

HB 801-Smith (118)

THIRD READING OF SENATE BILLS

SS for SS for SB 718-Yeckel, et al

(In Fiscal Oversight)

SCS for SBs 1020, 889 & 869-Steelman, et al

(In Fiscal Oversight)

SCS for SBs 1027 & 896-Cauthorn

SENATE BILLS FOR PERFECTION

SB 1232-Clemens, et al, with SCS

SB 1081-Kinder, et al, with SCS

SB 1141-Loudon, with SCS

SB 960-Gibbons, with SCS

SBs 1233, 840 & 1043-Dolan, with SCS

SB 710-Goode and Bray, with SCS

SB 1220-Caskey, with SCS

SBs 738 & 790-Loudon, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS (Klindt)

HB 969-Cooper, et al (Bartle)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 988-Steelman, with SCS

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1044-Shields, with SCS

SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 768-Nodler

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler

Reported 3/8

SB 1240-Griesheimer, with SCS

SB 1249-Champion

SB 824-Griesheimer

SB 1112-Clemens

SB 1257-Days and Foster

SB 1133-Foster, et al

SB 1230-Clemens and Griesheimer

SB 1188-Loudon, with SCS

SB 1074-Coleman, with SCS

SB 1181-Yeckel, with SCS

SB 1250-Scott, with SCS

SB 1084-Foster, with SCS

SB 1165-Russell

SB 1274-Shields

SB 1047-Kennedy

SB 1142-Dolan, with SCS

SB 1083-Kennedy and Dougherty

SB 1262-Dolan, with SCS

SB 1299-Loudon

SB 1215-Griesheimer, with SCS

SB 1235-Loudon, with SCS

RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and
Dougherty, with SCS

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SEVENTH DAY--THURSDAY, MARCH 11, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Our lives no longer belong to us alone; they belong to all those who need us desperately." (Elie Wiesel)

Heavenly Father, as we finish our work for this week and head home to our loved ones make us mindful how much they need us. As we are separated from them each week help us to experience the loneliness they know only too well and strengthen us to provide the closeness and desires they need from us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1527, regarding Michael D. Best, St. Charles, which was adopted.

Senator Scott offered Senate Resolution No. 1528, regarding the death of Dave Waller, which was adopted.

Senator Shields offered Senate Resolution No. 1529, regarding Christopher Thomas, St. Joseph, which was adopted.

Senator Kennedy offered Senate Resolution No. 1530, regarding Anthony Schilli, Ste. Genevieve County, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1230**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1074**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1142**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

President Pro Tem Kinder assumed the Chair.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1371**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SBs 1027** and **896** entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1027 and 896

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 374.765, 544.640, and 544.650, RSMo, and to enact in lieu thereof twenty-six new sections relating to the licensing of surety recovery agents, with penalty provisions.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SBs 1027** and **896** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
	NAYS--Senators		
Quick	Wheeler--2		
	Absent--Senators		
Goode	Russell--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1172, with **SCS**, introduced by Senator Gibbons, et al, entitled:

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to the preservation of public records.

Was called from the Consent Calendar and taken up by Senator Gibbons.

SCS for **SB 1172**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1172

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to the preservation of public records.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1172** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1172** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 988**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 988**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 988

An Act to repeal sections 260.200, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, and 260.342, RSMo, and to enact in lieu thereof nine new sections relating to scrap tires, with penalty provisions and an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 988** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 988, Page 12, Section 260.273, Line 22, by striking the word "four" and inserting in lieu thereof the following: "**one**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 988, Page 13, Section 260.273, Line 41, by inserting after "related administrative costs" the following: ", **including but not limited to permitting and enforcement**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 988, Page 13, Section 260.273, Line 50, by striking the word "fifteen" and inserting in lieu thereof the following: "**twenty**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 988, Page 14, Section 260.274, Lines 1-2, by striking the following: "and the [environmental improvement and energy resources authority]"; and inserting in lieu thereof the following: "[and], the environmental improvement and energy resources authority, **and the**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 988, Page 13, Section 260.273, Line 47, by striking the following: "and subsequent fiscal years"; and further amend line 48, by striking the word "zero" and inserting in lieu thereof the following: "**ten**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 988, Page 10, Section 260.270, Line 86, by inserting after "sites" the following: ", **scrap tire end-user facilities, and scrap tire processing facilities**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 988, Page 12, Section 260.273, Line 8, by inserting after the word "sold" the following: "**before July 1, 2009. On or after July 1, 2009, such fee shall be imposed at the rate of twenty-five cents for each new tire sold**"; and

Further amend said bill and section, Page 13, Line 37, by inserting after "6.]" the following: "**Prior to July 1, 2009,**"; and further amend line 49, by inserting after "purpose." the following: "**On or after July 1, 2009, and for the subsequent five years after, one half of the revenue transferred into the subaccount of the solid waste management fund pursuant to subsection 3 of this section shall be allocated, upon appropriation, to the department of natural resources for the purpose of funding solid waste districts throughout the state. These funds shall be distributed in a manner so that each solid waste district operates at a minimum funding level of seventy-five thousand dollars from all state sources for each fiscal year. At the point at which such districts are operating at this level, all surplus revenue transferred into the subaccount of the solid waste management fund pursuant to subsection 3 of this section shall be equally apportioned to the solid waste districts throughout the state.**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SCS for SB 988**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS for SB 988**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its

advice and consent to the following:

James B. Wilson, as a member of the Board of Police Commissioners for Kansas City;

Also,

Lois B. Kramer-Owens, as a member of the State Committee of Dietitians;

Also,

C. Jeanne Loyd, as a member of the Missouri Head Injury Advisory Council;

Also,

Ralph G. Biele, as a member of the Missouri Gaming Commission;

Also,

Lois L. Reine, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Robert F. Lawrence, as a member of the Well Installation Board;

Also,

Conny K. Dover, as a public member of the County Employees' Retirement Fund Board of Directors;

Also,

Martha A. Gragg, as a member of the Missouri Board for Respiratory Care;

Also,

Randy D. Mooney, as a member of the State Milk Board;

Also,

David K. Tan, M.D., as a member of the State Advisory Council on Emergency Medical Services;

Also,

Gary K. Sobocinski, as a member of the Missouri Board of Pharmacy.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1234**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute,

hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SJR 40**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 817**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1124**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 1128**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1370**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 898**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **SCR 41**.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Sherry, Drew and Demi Granger, and Austin Hansford, Neosho; and Drew, Demi and Austin were made honorary pages.

Senator Bartle introduced to the Senate, his wife Annette, and their children, Mack and Betsy, Lee's Summit; and Mack and Betsy were made honorary pages.

Senator Loudon introduced to the Senate, his daughter Lyda Lindsey Loudon, Ballwin; and Lyda was made an honorary page.

Senator Russell introduced to the Senate, Meggan Capps, Lebanon.

Senator Kinder introduced to the Senate, fourth grade students from Cape Christian School, Cape Girardeau.

Senator Clemens introduced to the Senate, Larry Smith and Reggie Johnson, Ava.

Senator Goode introduced to the Senate, students from Brown Elementary School, St. Louis County.

Senator Gibbons introduced to the Senate, Alex Ricke, Kirkwood.

Senator Yeckel introduced to the Senate, Jane Hake and fourth grade students from Truman Elementary School, St. Louis County.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Monday, March 15, 2004.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 895

HB 923-Holand and Fraser

HCS for HB 955

HB 960-Roark

HB 932-Bivins and Villa

HB 989-Barnitz and Kuessner

HB 1070-Miller, et al

HB 1071-Goodman

HB 1107-Crawford, et al

HB 1126-Seigfreid, et al

HB 1149-May, et al

HCS for HB 1198

HCS for HB 833

HB 938-Luetkemeyer

HCS for HB 947

HB 975-Johnson (47), et al

HCS for HBs 998 & 905

HB 1047-Guest and Bivins

HB 1275-Wilson (130), et al

HCS for HB 1209

HB 801-Smith (118)

HCS for HB 898

HCS for HB 1014

THIRD READING OF SENATE BILLS

SS for SS for SB 718-Yeckel, et al

(In Fiscal Oversight)

SCS for SBs 1020, 889 & 869-Steelman, et al

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1232-Clemens, et al, with SCS

SB 1081-Kinder, et al, with SCS

SB 1141-Loudon, with SCS

SB 960-Gibbons, with SCS

SBs 1233, 840 & 1043-Dolan, with SCS

SB 710-Goode and Bray, with SCS

SB 1220-Caskey, with SCS

SBs 738 & 790-Loudon, with SCS

SB 1371-Kinder, et al, with SCS

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS (Klindt)

HB 969-Cooper, et al (Bartle)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1044-Shields, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 768-Nodler

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler

Reported 3/8

SB 1240-Griesheimer, with SCS

SB 1249-Champion

SB 824-Griesheimer

SB 1112-Clemens

SB 1257-Days and Foster

SB 1133-Foster, et al

SB 1188-Loudon, with SCS

SB 1181-Yeckel, with SCS

SB 1250-Scott, with SCS

SB 1084-Foster, with SCS

SB 1165-Russell

SB 1274-Shields

SB 1047-Kennedy

SB 1083-Kennedy and Dougherty

SB 1262-Dolan, with SCS

SB 1299-Loudon

SB 1215-Griesheimer, with SCS

SB 1235-Loudon, with SCS

RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and

Dougherty, with SCS

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-EIGHTH DAY--MONDAY, MARCH 15, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Blessed be God because he has not rejected my prayers or removed his steadfast love from me!" (Psalm 66:20)

Merciful God, we give You thanks for this day and Your willingness to listen to our prayers. Hear us now in Your steadfast love that our work may be pleasing to You and our lives reflect Your will for us. And Lord, we pray for Larry Jarrell during this difficult time. Touch him with Your healing power and comfort him and his family and grant them Your peace. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 11, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Stoll--1

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1531, regarding Christa Moore, House Springs, which was adopted.

Senator Yeckel offered Senate Resolution No. 1532, regarding Lisa Battern, Ballwin, which was adopted.

Senator Yeckel offered Senate Resolution No. 1533, regarding Chalyn Elking, O'Fallon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1534, regarding Melissa Geiler, Florissant, which was adopted.

Senator Russell offered Senate Resolution No. 1535, regarding Deborah Rich, Mountain View, which was adopted.

Senator Russell offered Senate Resolution No. 1536, regarding Lydia Morgan Whetstine, Cabool, which was adopted.

Senator Dougherty offered Senate Resolution No. 1537, regarding the St. Louis Regional Fair Housing Collaborative, which was adopted.

Senator Yeckel offered Senate Resolution No. 1538, regarding Amanda Lynn Vaeth, Ste. Genevieve, which was adopted.

Senator Yeckel offered Senate Resolution No. 1539, regarding Marie Louise Tate, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1540, regarding Amy Ward, Hazelwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1541, regarding Danielle M. Vishino, Ste. Genevieve, which was adopted.

Senator Bartle offered Senate Resolution No. 1542, regarding Connor McCambridge, Lake Winnebago, which was adopted.

Senator Bartle offered Senate Resolution No. 1543, regarding Joshua Michael "Josh" Eads, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1544, regarding Alex Kristofer Fetters, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1545, regarding Timothy David "Tim" Strack, Raymore, which was adopted.

Senator Bartle offered Senate Resolution No. 1546, regarding Alex Giddings, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1547, regarding Ben Duffin, Lee's Summit, which was adopted.

Senator Bray offered Senate Resolution No. 1548, regarding Rose and Charles Klotzer, University City, which was adopted.

Senator Champion offered Senate Resolution No. 1549, regarding Kimberly White, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1550, regarding Cherice Preiner, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1551, regarding Anna Codutti, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1552, regarding Jim Murphy, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1553, regarding Harold K. Bengsch, Springfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1554, regarding Sarah Clifton, Manchester, which was adopted.

Senator Yeckel offered Senate Resolution No. 1555, regarding Jim Keeling, which was adopted.

Senator Yeckel offered Senate Resolution No. 1556, regarding John Schmieg, which was adopted.

Senator Yeckel offered Senate Resolution No. 1557, regarding Paula Justus, which was adopted.

Senator Yeckel offered Senate Resolution No. 1558, regarding Barb Fuglsang, which was adopted.

Senator Yeckel offered Senate Resolution No. 1559, regarding Linda Hertlein Meierhoff, which was adopted.

Senator Yeckel offered Senate Resolution No. 1560, regarding Margie Schaughnessy, which was adopted.

Senator Yeckel offered Senate Resolution No. 1561, regarding Denise Dunn, which was adopted.

Senator Yeckel offered Senate Resolution No. 1562, regarding Mark Franke, which was adopted.

Senator Yeckel offered Senate Resolution No. 1563, regarding Betty Hale, which was adopted.

Senator Yeckel offered Senate Resolution No. 1564, regarding Mary Godefroid, which was adopted.

Senator Yeckel offered Senate Resolution No. 1565, regarding Linda Garland, which was adopted.

Senator Yeckel offered Senate Resolution No. 1566, regarding Amy Perkins, which was adopted.

Senator Yeckel offered Senate Resolution No. 1567, regarding Geraldine Pitti, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1259**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1296**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1302**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1304**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1329**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1331**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1338**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1334**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1391**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 961**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 987**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1155**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 901**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1152**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 1091**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1323**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 941**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1189**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1242**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 847**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1311**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1195**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1066**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1211**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1247**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **SS** for **SS** for **SB 718**; and **SCS** for **SBs 1020, 889 and 869**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SS** for **SCS** for **SB 715**; and **SCS** for **SB 988**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 906**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 983**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David P. Ballenger, 305 Vieux Carre Court, Columbia, Boone County, Missouri 65203, as public member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2005, and until his successor is duly appointed and qualified; vice, Kathy Fincham, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ellen M. Burkemper, Ph.D., 260 Main Street, P.O. Box 209, Troy, Lincoln County, Missouri 63379, as a member of the State Committee for Social Workers, for a term ending October 2, 2005, and until her successor is duly appointed and qualified; vice, Paul Leverington, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen C. Del Vecchio, 3036 Bernice Street, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2007, and until his successor is duly appointed and qualified; vice, Larry L. Gray, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christy M. Fowler, 203 Holmes, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Optometry, for a term ending June 20, 2008, and until her successor is duly appointed and qualified; vice, Karen Rosen, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Melissa DeLine Graham, 607 East Cypress Street, Charleston, Mississippi County, Missouri 63834, as a member of the Missouri State Board of Pharmacy, for a term ending March 11, 2009, and until her successor is duly appointed and qualified; vice, Barbara Dunning, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jack Magruder, Ph.D., Democrat, 20675 Willis Way, Kirksville, Adair County, Missouri 63501, as a member of the State Fair Commission, for a term ending December 29, 2007, and until his successor is duly appointed and qualified; vice, Norwood Creason, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marian "Munnie" Pacino, 821 N. Spoede Road, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, for a term ending August 18, 2006, and until her successor is duly appointed and qualified; vice, Mary Bruntrager, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Scott E. Ramshaw, Democrat, 6204 Treeridge Trail, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2005, and until his successor is duly appointed and qualified; vice, Brian Munzlinger, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lee A. Richardson, Jr., 11801 Troost Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 29, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cindy Lou Seyer, Republican, 3629 County Road 324, Jackson, Cape Girardeau County, Missouri 63755, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2005, and until her successor is duly appointed and qualified; vice, Donald J. Miller, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 11, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randall C. Wright, Democrat, 3271 South Country Woods, Columbia, Boone County, Missouri 65203, as a member of the Tourism Commission, for a term ending January 15, 2007, and until his successor is duly appointed and qualified; vice, E. Gail McCann Beatty, term expired.

Respectfully submitted,

BOB HOLDEN

HOUSE BILLS ON THIRD READING

HCS for **HB 1182**, with SCS, was placed on the Informal Calendar.

HB 969, introduced by Representative Cooper, et al, entitled:

An Act to repeal section 143.431, RSMo, and to enact in lieu thereof two new sections relating to Missouri taxable income of corporations.

Was taken up by Senator Bartle.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 969, Pages 1-2, Section 143.431, Lines 1-41, by striking said section from the bill; and

Further amend said bill, Pages 2 to 4, Section 143.435, Lines 1 to 72, by striking said section from the bill and inserting in lieu thereof the following:

"143.434. 1. As used in this chapter, the following terms mean:

(1) "Affiliated group", one or more chains of corporations that are connected through stock ownership with a common parent corporation that meet the following requirements:

(a) At least eighty percent of the stock of each of the corporations in the group, excluding the common parent corporation, is owned by one or more of the other corporations in the group; and

(b) The common parent directly owns at least eighty percent of the stock of at least one of the corporations in the group. "Affiliated group" does not include corporations that are qualified to do business but are not otherwise doing business in this state. For purposes of this section "stock" does not include nonvoting stock which is limited and preferred as to dividends;

(2) "Common ownership", the direct or indirect control or ownership of more than fifty percent of the outstanding voting stock of:

(a) A parent-subsidiary controlled group as defined in Section 1563 of the United States Internal Revenue Code of 1986, as amended, except that the amount of fifty percent shall be substituted for all references of "80 percent" in such definition;

(b) A brother-sister controlled group as defined in Section 1563 of the United States Internal Revenue Code of 1986, as amended, except that the amount of fifty percent shall be substituted for all references of "80 percent" in such definition; or

(c) Three or more corporations each of which is a member of a group of corporations described in subdivision (1) of this subsection, and one of which is:

a. A common parent corporation included in a group of corporations described in paragraph (a) of subdivision (1) of this subsection; and

b. Included in a group of corporations described in paragraph (b) of subdivision (1) of this subsection. Ownership of outstanding voting stock shall be determined in accordance with Section 1563 of the United States Internal Revenue Code of 1986, as amended;

(3) "Corporate return" or "return", includes a combined report;

(4) "Doing business", any transaction in the course of its business by a domestic corporation, or by a foreign corporation qualified to do or doing intrastate business in this state. Doing business includes:

(a) The right to do business through incorporation or qualification;

(b) The owning, renting, or leasing of real or personal property within this state; and

(c) The participation in joint ventures, working and operating agreements, the performance of which takes place in this state;

(5) "Foreign corporation", a corporation that is not incorporated or organized pursuant to the laws of this state;

(6) "Foreign operating company", a corporation that:

(a) Is incorporated in the United States; and

(b) Eighty percent or more of whose business activity is conducted without the United States.

"Foreign operating company" does not include a corporation that qualifies for the Puerto Rico and Possession Tax Credit provided pursuant to Section 936 of the United States Internal Revenue Code of 1986, as amended;

(7) "Unitary group", a group of corporations that:

(a) Are related through common ownership; and

(b) By a preponderance of the evidence as determined by a court of competent jurisdiction or the director, are economically interde-pendent with one another as demonstrated by the following factors:

a. Centralized management;

b. Functional integration; and

c. Economies of scale;

(8) "Water's edge combined report", a report combining the income and activities of:

(a) All members of a unitary group that are:

a. Corporations organized or incorporated in the United States, including those corporations qualifying for the Puerto Rico and Possession Tax Credit as provided in Section 936 of the United States Internal Revenue Code of 1986, as amended; and

b. Corporations organized or incorporated without the United States that meet the threshold level of business activity; and

(b) An affiliated group electing to file water's edge combined report pursuant to subdivision (1) of subsection 2 of this section.

2. (1) If any corporation is doing business in Missouri and is a member of a unitary group, the unitary group shall file a water's edge combined report. A group of corporations that are not otherwise a unitary group may elect to file a water's edge combined report if each member of the group is:

(a) Doing business in Missouri;

(b) Part of the same affiliate group; and

(c) Qualified pursuant to Section 1501 of the United States Internal Revenue Code of 1986, as amended, to file a federal consolidated return.

(2) Each corporation within the affiliated group that is doing business in Missouri shall file a combined report. If an affiliated group elects to file a combined report, each corporation within the affiliated group that is doing business in Missouri shall file a combined report.

(3) A corporation that elects to file a water's edge combined report pursuant to this section shall not thereafter elect to file a separate return without the consent of the director.

3. If two or more corporations, whether or not organized or doing business in this state, and whether or not affiliated, are owned or controlled directly or indirectly by the same interests, the director shall be authorized to distribute, apportion, or allocate gross income or deductions between or among such corporations, if it determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any such corporations.

4. The director shall, by rule, prescribe for adjustments to Missouri taxable income when, solely by reason of the enactment of this section, a taxpayer would otherwise receive or have received a double tax benefit or suffer or have suffered a double tax detriment. However, the director may not make any adjustment pursuant to this section which will result in an increase or decrease of tax liability that is less than twenty-five dollars.

5. A group filing a combined report shall calculate federal taxable income of the combined group by:

(1) Computing federal taxable income on a separate return basis;

(2) Combining income or loss of the members included in the combined report; and

(3) Making appropriate eliminations and adjustments between members included in the combined report.

For purposes of this subsection, if an entity does not calculate federal taxable income, then the federal taxable income shall be calculated based on the applicable federal tax laws.

6. For purposes of the apportionment provisions within section 32.200, RSMo, corporations filing a combined report shall not include intercompany sales or other transactions between the corporations included in the combined report when determining the sales factor. Intercompany rents between members of a combined report may not be considered in the computation of the property factor.

7. The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as the director may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income derived from sources within the state and in order to prevent avoidance of such tax liability.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Bartle, **HB 969**, with **SA 1** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 895**--Economic Development, Tourism and Local Government.

HB 923--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

HCS for **HB 955**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HB 960--Transportation.

HB 932--Commerce and the Environment.

HB 989--Economic Development, Tourism and Local Government.

HB 1070--Education.

HB 1071--Economic Development, Tourism and Local Government.

HB 1107--Economic Development, Tourism and Local Government.

HB 1126--Commerce and the Environment.

HB 1149--Transportation.

HCS for **HB 1198**--Small Business, Insurance and Industrial Relations.

HCS for **HB 833**--Ways and Means.

HB 938--Financial and Governmental Organ-ization, Veterans' Affairs and Elections.

HCS for **HB 947**--Economic Development, Tourism and Local Government.

HB 975--Economic Development, Tourism and Local Government.

HCS for **HBs 998** and **905**--Pensions and General Laws.

HB 1047--Economic Development, Tourism and Local Government.

HB 1275--Economic Development, Tourism and Local Government.

HCS for **HB 1209**--Pensions and General Laws.

HB 801--Economic Development, Tourism and Local Government.

HCS for **HB 898**--Aging, Families, Mental and Public Health.

HCS for **HB 1014**--Appropriations.

REFERRALS

President Pro Tem Kinder referred **SB 1215**, with **SCS**; **SCS** for **SB 988**; and **SS** for **SS** for **SCS** for **SB 715** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred the gubernatorial appointments appearing on Pages 637 and 638 to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 842**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1320**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1322**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 972**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1336**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1287**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1365**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1285**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1139**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1304**, entitled:

An Act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 537.035, 537.067, 538.205, 538.210, 538.220, and 538.225, RSMo, and to enact in lieu thereof fifteen new sections relating to claims for damages and the payment thereof.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1215**, entitled:

An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 852**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1183**, entitled:

An Act to repeal sections 50.550 and 559.021, RSMo, and to enact in lieu thereof four new sections relating to county law enforcement restitution funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1290**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to certain nonprofit organizations with a health-related mission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator Dolan submitted the following:

March 15, 2004

Terry L. Spieler

Secretary of the Senate

Room 325 Capitol Building

Jefferson City, MO 65101

Dear Terry:

In keeping with Rule 45 of the Rules of the Senate, I wish to state my opposition to Senate Bill 1139. I do not feel Senate Bill 1139 is a consent issue and therefore should be referred back to the committee.

Thank you for your assistance.

Respectfully,

/s/ Jon

Jon Dolan

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, former State Representative T. Mark Elliott, Webb City.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-NINTH DAY-TUESDAY, MARCH 16, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1304-Byrd

HCS for HB 1215

HS for HCS for HB 852-Holand

HB 1183-Mayer, et al

HS for HCS for HB 1290-Portwood

THIRD READING OF SENATE BILLS

SS for SS for SB 718-Yeckel, et al

SCS for SBs 1020, 889 & 869-Steelman, et al

SS for SS for SCS for SB 715-Childers

and Caskey (In Fiscal Oversight)

SCS for SB 988-Steelman (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1232-Clemens, et al, with SCS

SB 1081-Kinder, et al, with SCS

SB 1141-Loudon, with SCS

SB 960-Gibbons, with SCS

SBs 1233, 840 & 1043-Dolan, with SCS

SB 710-Goode and Bray, with SCS

SB 1220-Caskey, with SCS

SBs 738 & 790-Loudon, with SCS

SB 1371-Kinder, et al, with SCS

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1044-Shields, with SCS

SB 1007-Goode, et al

SB 962-Clemens, with SCS

SB 992-Cauthorn, with SCS

SB 1177-Klindt, with SCS

SB 900-Goode, with SCA 1

SB 945-Gibbons, with SCS

SB 1087-Days, et al

SB 1086-Cauthorn

SB 1078-Loudon, with SCS

SB 883-Klindt

SB 966-Shields

SB 757-Shields, with SCS

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 768-Nodler

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler

Reported 3/8

SB 1240-Griesheimer, with SCS

SB 1249-Champion

SB 824-Griesheimer

SB 1112-Clemens

SB 1257-Days and Foster

SB 1133-Foster, et al

SB 1188-Loudon, with SCS

SB 1181-Yeckel, with SCS

SB 1250-Scott, with SCS

SB 1084-Foster, with SCS

SB 1165-Russell

SB 1274-Shields

SB 1047-Kennedy

SB 1083-Kennedy and Dougherty

SB 1262-Dolan, with SCS

SB 1299-Loudon

SB 1215-Griesheimer, with SCS

(In Fiscal Oversight)

SB 1235-Loudon, with SCS

Reported 3/15

SB 1259-Childers

SB 1269-Yeckel, with SCS

SB 1296-Callahan

SB 1302-Champion

SB 1304-Griesheimer and Gibbons, with SCS

SB 1329-Griesheimer

SB 1331-Gibbons, with SCS

SB 1338-Callahan

SB 1334-Dougherty

SB 1391-Foster

SB 961-Champion, with SCS

SB 987-Quick, with SCS

SB 1155-Cauthorn, with SCS

SB 901-Goode, with SCS

SB 1152-Steelman, with SCS

SB 1091-Klindt, with SCS

SB 1323-Shields

SB 941-Coleman, with SCS

SB 1189-Scott, with SCS

SB 1242-Wheeler

SB 847-Bland

SB 1311-Wheeler

SB 1195-Klindt, with SCS

SB 1066-Steelman, with SCS

SB 1265-Bartle, with SCS

SB 1211-Wheeler

SB 1247-Dougherty and Kennedy, with SCS

SB 906-Foster, with SCS

SB 983-Quick, with SCS

SB 842-Childers

SB 1320-Kinder

SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1287-Griesheimer, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1285-Wheeler

RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and Dougherty, with SCS

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY--TUESDAY, MARCH 16, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"Gratitude is the most fruitful way of deepening your consciousness that you are not an "accident", but a divine choice." (Henri J.M. Nouwen)

Gracious God, during this week help us to be mindful and grateful of the gift of others who work for us and do things we need completed. Help us to remember the more we are grateful for our uniqueness the more grateful we ought to be for others in our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Gibbons moved that the Senate Journal for Monday, March 15, 2004, be corrected on Page 634, Column 2, Line 33, by deleting the numeral "**1334**" and inserting in lieu thereof the numeral "**1344**", which motion prevailed.

The Journal for Monday, March 15, 2004 was read and approved, as corrected.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1568, regarding the Honorable Kit Bond and the Parents as Teachers program, which was adopted.

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1569

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State businesses which bring honor and glory to themselves and to the state of Missouri through the excellence of their achievements in their chosen fields of endeavor; and

WHEREAS, 3M Springfield is one of four 3M facilities in the state of Missouri and the only manufacturing plant which is totally focused on adhesives, coatings, and sealers for the support of automotive, construction, aerospace, marine, traffic control, and packaging industries throughout the world; and

WHEREAS, 3M Springfield recently enhanced its already impressive record of accomplishment when it received Manufacturer of the Year recognition from the Springfield Area Chamber of Commerce; and

WHEREAS, the Manufacturer of the Year award is presented annually by the Springfield Area Chamber of Commerce in order to showcase the \$3.5 billion impact that the manufacturing sector has on southwest Missouri; and

WHEREAS, 3M Springfield earned Manufacturer of the Year honors in light of its growth, stability, community involvement, and customer satisfaction; and

WHEREAS, no stranger to accolades, 3M Springfield earlier in the year 2003 was inducted into the Clara Barton Society of the American Red Cross in recognition of its contributions to local and national Red Cross offices after several devastating tornadoes struck the Springfield region; and

WHEREAS, 3M Springfield's allied 3M Foundation earned Foundation of the Year status from the Ozarks chapter of the Association of Fund-Raising Professionals for its partnerships with United Way, Springfield Public School Foundation, Court Appointed Special Volunteers, the Girl Scouts, and other worthy organizations:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the well-deserved selection of 3M Springfield as Manufacturer of the Year by the Springfield Area Chamber of Commerce and to convey to its management, employees, and worldwide customers this legislative body's sincerest best wishes for continued success for many more years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the 3M Springfield plant in Springfield, Missouri.

Senator Childers offered Senate Resolution No. 1570, regarding Dena Shepherd, Nixa, which was adopted.

Senator Kennedy offered Senate Resolution No. 1571, regarding Sister Ellen Michael Leary, CSJ, Mehlville, which was adopted.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler assumed the Chair.

THIRD READING OF SENATE BILLS

SB 1044, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal sections 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof five new sections relating to the state library.

Was called from the Consent Calendar and taken up.

SCS for **SB 1044**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1044

An Act to repeal sections 37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof eight new sections relating to the state library.

Was taken up.

Senator Shields moved that **SCS** for **SB 1044** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 1044** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Quick	Stoll--3	
Absent with leave--Senators			
Bland		Foster--2	

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1007, introduced by Senator Goode, et al, entitled:

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to gubernatorial appointments.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **SB 1007** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon

Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Coleman--1		
	Absent with leave--Senators		
Bland		Foster--2	

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 962, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to licensing of athletic trainers.

Was called from the Consent Calendar and taken up.

SCS for **SB 962**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 962

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to licensing of athletic trainers.

Was taken up.

Senator Clemens moved that **SCS** for **SB 962** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 962** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	Foster--2		

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 992, with **SCS**, introduced by Senator Cauthorn, entitled:

An Act to repeal section 578.154, RSMo, and to enact in lieu thereof one new section relating to the possession of anhydrous ammonia, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 992**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 992

An Act to repeal section 578.154, RSMo, and to enact in lieu thereof one new section relating to the possession and transportation of anhydrous ammonia, with penalty provisions.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 992** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 992** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bland	Foster--2		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1177, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility commissions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1177**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1177

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility commissions.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1177** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1177** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bland	Foster	Russell--3
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The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 900, with **SCA 1**, introduced by Senator Goode, entitled:

An Act to repeal sections 307.366 and 643.315, RSMo, and to enact in lieu thereof two new sections relating to vehicle equipment regulations.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **SB 900**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
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Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Stoll--1		
	Absent with leave--Senators		
Bland		Foster	Russell--3

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 945, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to student volunteer opportunities.

Was called from the Consent Calendar and taken up.

SCS for **SB 945**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 945

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to student volunteer opportunities.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 945** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 945** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Vogel	Wheeler--28
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Quick	Stoll	Yeckel--4
	Absent with leave--Senators		
Foster	Russell--2		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 1087, introduced by Senator Days, et al, entitled:

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **SB 1087** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senators			
Foster	Russell--2		

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 1232**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1232**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1232

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to the competitive government act.

Was taken up.

Senator Clemens moved that **SCS** for **SB 1232** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1232, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"8.237. 1. Each governmental unit, as defined in section 8.231, that enters into a contract for the implementation of any energy conservation or facility improvement measure shall meet the following requirements:

(1) Obtain a report from the entity providing the energy conservation measures containing recommendations concerning the costs of installation, modifications, or remodeling, including costs of design, engineering, maintenance, repairs, and financing; and

(2) The report shall guarantee to such governmental unit an amount of cost savings in energy or operating costs if such installation, modification, or remodeling is performed by that entity.

2. For purposes of this section, "energy conservation and facility improvement measure" includes, but is not limited to, automated or computerized energy control and facility management systems or computerized maintenance management systems, replacement or modification of lighting fixtures and systems, energy recovery systems, water conservation, cogeneration systems, and window and door system modifications designed to reduce energy consumption.

3. Prior to a governmental unit entering into such contract, it shall solicit bids or competitive sealed proposals from entities awarding the contract to an entity that best meets the needs of the governmental unit, which need not be the lowest cost provider.

4. Energy savings shall be guaranteed by the entity for the entire term of the contract, and such reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures shall be periodically provided in writing to the contracting governmental unit."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Dougherty raised the point of order that **SA 1** is out of order, as it goes beyond the scope, title and purpose of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Nodler, **SA 1** was withdrawn, rendering the point of order moot.

Senator Nodler assumed the Chair.

At the request of Senator Clemens, **SB 1232**, with **SCS** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 1304**--Judiciary and Civil and Criminal Jurisprudence.

HCS for HB 1215--Judiciary and Civil and Criminal Jurisprudence.

HS for HCS for HB 852--Aging, Families, Mental and Public Health.

HB 1183--Economic Development, Tourism and Local Government.

HS for HCS for HB 1290--Ways and Means.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 959**, entitled:

An Act to repeal sections 33.103, 166.435, 408.032, 408.140, 408.190, 408.232, 432.045, 443.130, and 575.120, RSMo, and to enact in lieu thereof twenty-seven new sections relating to banking, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1115**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the commonsense consumption act, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Gibbons, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 1572, regarding the Ninetieth Birthday of Lucille L. Anderson, Granby, which was adopted.

Senator Nodler offered Senate Resolution No. 1573, regarding the Eighty-fifth Birthday of Bertha Lair Thurman, Neosho, which was adopted.

THIRD READING OF SENATE BILLS

SB 1086, introduced by Senator Cauthorn, entitled:

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to homeowner insurance requirements by lenders.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 1086** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Shields
Steelman	Stoll	Vogel	Wheeler--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Scott	Yeckel--4
	Absent with leave--Senators		
Foster	Russell--2		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1078, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to extraordinary dividends of insurance holding companies.

Was called from the Consent Calendar and taken up.

SCS for **SB 1078**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1078

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to notice of extraordinary dividends in insurance holding company systems.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1078** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1078** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields

Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Goode	Jacob--3	
	Absent with leave--Senators		
Foster	Russell--2		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 883, introduced by Senator Klindt, entitled:

An Act to repeal section 135.766 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session which was held unconstitutional by the Missouri Supreme Court.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 883** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bland-- 1		
	Absent with leave--Senators		
Foster	Russell--2		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 966, introduced by Senator Shields, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security of temporary employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 966** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators			
Foster	Russell--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 757, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal sections 301.010 and 301.069, RSMo, and to enact in lieu thereof two new sections relating to transportation.

Was called from the Consent Calendar and taken up.

SCS for **SB 757**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 757

An Act to repeal sections 301.010, 301.069, and 390.020, RSMo, and to enact in lieu thereof three new sections relating to transportation.

Was taken up.

Senator Shields moved that **SCS** for **SB 757** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 757** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

NAYS--Senator Quick--1

Absent--Senators

Bland

Stoll--2

Absent with leave--Senators

Foster

Russell--2

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 1069, SB 1068, SB 1025, SB 1005** and **SB 1089**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1069, 1068, 1025, 1005** and **1089**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1069, 1068, 1025, 1005 and 1089

An Act to repeal sections 386.020, 392.200, 392.220, and 392.245, RSMo, and to enact in lieu thereof five new sections relating to telecommunications companies.

Was taken up.

Senator Gross moved that **SCS** for **SBs 1069, 1068, 1025, 1005** and **1089** be adopted.

Senator Gross offered **SS** for **SCS** for **SBs 1069, 1068, 1025, 1005** and **1089**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1069, 1068, 1025, 1005, and 1089

An Act to repeal sections 386.020, 392.200, 392.220, and 392.245, RSMo, and to enact in lieu thereof five new sections relating to telecommunications companies.

Senator Gross moved that **SS** for **SCS** for **SBs 1069, 1068, 1025, 1005** and **1089** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 4, Section 386.020, Lines 11-12, by deleting said lines and inserting in lieu thereof the following: **"equivalent or substitutable;"**; and

Further amend said Page, said section, line 16-19, by deleting all of said lines and inserting in lieu thereof the following:

"(d) The extent to which competitive classification in urban and suburban areas will assist the incumbent local exchange telecommunications company in providing adequate and affordable service to high-cost and underserved areas of this state;".

Senator Childers moved that the above amendment be adopted.

Senator Goode offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 to

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 1, by adding at the end of said amendment the following:

"(e) Existing economic or regulatory barriers to entry; and

(f) Any other factors, such as market share, subscribership level decreases in revenue caused by increased use of telecommunications services from other providers and the extent to which competitive pressure ensures that prices remain just and reasonable, deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;".

Senator Goode moved that the above amendment be adopted.

President Pro Tem Kinder assumed the Chair.

At the request of Senator Gross, **SB 1069, SB 1068, SB 1025, SB 1005 and SB 1089**, with **SCS, SS for SCS, SA 1 and SA 1 to SA 1** (pending), were placed on the Informal Calendar.

INTRODUCTION OF GUESTS

President Pro Tem Kinder introduced to the Senate, United States Senator Christopher "Kit" Bond, who assumed the dais and addressed the members of the Senate.

President Pro Tem Kinder assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 1069, SB 1068, SB 1025, SB 1005 and SB 1089**, with **SCS, SS for SCS, SA 1 and SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SA 1 was again taken up.

Senator Shields assumed the Chair.

At the request of Senator Goode, **SA 1 to SA 1** was withdrawn.

SA 1 was again taken up.

At the request of Senator Childers the above amendment was withdrawn.

Senator Childers offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 4, Section 386.020, Lines 16-19, by deleting all of said lines and inserting in lieu thereof the following:

"(d) The extent to which competitive classification in urban and suburban areas will assist the incumbent local exchange telecommunications company in providing adequate and affordable service to high-cost and underserved areas of this state;".

Senator Childers moved that the above amendment be adopted.

Senator Goode offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 1, by adding at the end of said amendment the following:

"(e) Existing economic or regulatory barriers to entry; and

(f) Any other factors, such as market share, subscribership level decreases in revenue caused by increased use of telecommunications services from other providers and the extent to which competitive pressure ensures that prices remain just and reasonable, deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;".

Senator Goode moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goode offered SA 2 to SA 2:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 1, by adding at the end of said amendment the following:

"(e) Existing economic or regulatory barriers to entry; and

(f) Any other factors deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;".

Senator Goode moved that the above amendment be adopted.

At the request of Senator Gross **SB 1069, SB 1068, SB 1025, SB 1005 and SB 1089**, with SCS, SS for SCS, SA 2 and SA 2 to SA 2 (pending), were placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 771, with **SCS**, introduced by Senator Bray, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

Was called from the Consent Calendar and taken up.

SCS for **SB 771**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 771

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

Was taken up.

Senator Bartle assumed the Chair.

Senator Bray moved that **SCS** for **SB 771** be adopted.

At the request of Senator Bray, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1363**, entitled:

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to an archival facility in St. Louis.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1439**, entitled:

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to transportation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 826**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Laura Ingalls Wilder Memorial

Highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1291**, entitled:

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to unfair insurance practice and fraud.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 956**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state grass.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1398**, entitled:

An Act to repeal sections 95.280 and 95.285, RSMo, and to enact in lieu thereof two new sections relating to depositaries for city funds, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1399**, entitled:

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to athletic trainers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 1259**, entitled:

An Act to repeal section 301.562, RSMo, and to enact in lieu thereof one new section relating to the licensure of motor vehicle dealers and manufacturers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 10**:

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the Menfro soil series was established in Missouri in Perry County and is named for the town of Menfro where it was first described and mapped. Menfro soils are very deep, well-drained soils formed in layers of silt loam and silty clay loam; and

WHEREAS, over a million acres of Missouri soil in more than forty counties have been identified as Menfro soil. The Menfro soil series consists of soils formed on wooded upland slopes along the Missouri and Mississippi Rivers and their major tributaries; and

WHEREAS, the current State Capitol, Governor's Mansion, the original State Capitol in St. Charles, the Daniel Boone burial site, and much of the upland areas of Kansas City, St. Louis, Jefferson City, Hermann, Hannibal, and Cape Girardeau are located on Menfro soil; and

WHEREAS, the major land uses of Menfro soils are agriculture and woodland productivity. The main agricultural enterprises grown on Menfro soil are feed grains and forages for livestock, grape vineyards, orchards, and other fruit and vegetable crops; and

WHEREAS, in appreciation for this resource and its value in our economy and environment, the state of Missouri should publicly recognize the importance of soils to our state and encourage educators and other science professionals to teach about soil as a natural resource; and

WHEREAS, the existence of man is dependent on six inches of topsoil and the rain or irrigation water that is applied to such soil:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby designate "Menfro soil" as representing the many fertile soils of the State of Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1305**, entitled:

An Act to repeal sections 383.010 and 383.035, RSMo, and to enact in lieu thereof ten new sections relating to insurance for health care providers in Missouri, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 937**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 904**, entitled:

An Act to repeal sections 400.1-105, 400.6-101, 400.6-102, 400.6-103, 400.6-104, 400.6-105, 400.6-107, 400.6-108, 400.6-109, 400.6-110, and 400.6-111, RSMo, and to enact in lieu thereof one new section relating to bulk transfers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 824**, entitled:

An Act to repeal section 94.834, RSMo, and to enact in lieu thereof one new section relating to municipal transient guest taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 912**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1171**, entitled:

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1192**, entitled:

An Act to repeal sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, and 267.556, RSMo, and to enact in lieu thereof one new section relating to animal health and inspection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1574, regarding Tandra Donehue, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 1575, regarding Roger Louis Horstman, Mokane, which was adopted.

Senator Mathewson offered Senate Resolution No. 1576, regarding Evelyn Washington, Marshall, which was adopted.

Senator Mathewson offered Senate Resolution No. 1577, regarding Ryan Drane, Fayette, which was adopted.

Senator Jacob offered Senate Resolution No. 1578, regarding Melissa Coil, Harrisburg, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senators Gross, Clemens and himself, Senator Russell introduced to the Senate, Jim and Melissa Montgomery and their daughters, Makenzie and Audrey; Keith and Ginger Ross and their daughter, Madaline, St. Charles County; and Aaron and Patty Johns and their sons, Spencer and Zachary, Ozark; and Makenzie, Audrey, Madaline, Spencer and Zachary were made honorary pages.

Senator Gibbons introduced to the Senate, Kara English, Olathe; and Kara was made an honorary page.

Senator Jacob introduced to the Senate, Mrs. Wipfler, Mr. Black and fourth grade students from Mill Creek Elementary School, Columbia; and Will Echelmeier and Whitney Wipfler were made honorary pages.

Senator Cauthorn introduced to the Senate, Mrs. Mika, Mrs. Houf and fourth grade students from McMillian Public School, Mexico.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Elizabeth Cavanagh, M.D., Rock Hill.

Senator Cauthorn introduced to the Senate, Wayne, Pam and Cassie Carpenter, Madison.

On behalf of Senator Gibbons and himself, Senator Loudon introduced to the Senate, Barb Ryan, Thomas Williams, Greg Jendusa, Amber Booth and forty students from Parkway South School, St. Louis County; and Igor Gubin, Uzebekastan and Anna Korunova, Russia.

Senator Kennedy introduced to the Senate, Yvo, Tai Tran, Sarah Nguyen-Bani, Lawrence Dao, Michael-Sheffer and Tra Nguyen, St. Louis; and Kim Nguyen, Wildwood.

Senator Childers introduced to the Senate, Larry Moennis, Randy Henderson and Landon Fletcher, Monett.

On behalf of Senator Mathewson and himself, Senator Dougherty introduced to the Senate, Randy and Debbie Jones, Sedalia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY-WEDNESDAY, MARCH 17, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 959

HCS for HB 1115

HCS for HB 1363

HCS for HB 1439

HB 826-Kelley (144)

HB 1291-Pearce

HB 956-May (149)

HB 1398-Lager

HCS for HB 1399

HB 1259-Threlkeld

HCS for HB 1305

HB 937-Moore, et al

HB 904-Luetkemeyer

HB 824-Seigfried

HCS for HB 912

HCS for HB 1171

HCS for HB 1192

THIRD READING OF SENATE BILLS

SS for SS for SB 718-Yeckel, et al

SCS for SBs 1020, 889 &

869-Steelman, et al

SS for SS for SCS for SB 715-Childers

and Caskey (In Fiscal Oversight)

SCS for SB 988-Steelman

(In Fiscal Oversight) SENATE BILLS FOR PERFECTION

SB 1081-Kinder, et al, with SCS

SB 1141-Loudon, with SCS

SB 960-Gibbons, with SCS

SBs 1233, 840 & 1043-Dolan, with SCS

SB 710-Goode and Bray, with SCS

SB 1220-Caskey, with SCS

SBs 738 & 790-Loudon, with SCS

SB 1371-Kinder, et al, with SCS

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1014, with SCS (Russell)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 &

1089-Gross and Griesheimer, with SCS,

SS for SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2

SB 1212-Wheeler and Russell, with SCS

SB 1243-Wheeler

SB 1253-Mathewson, et al, with SCS

SBs 1085 & 800-Foster, et al, with SCS

SB 884-Klindt

SB 768-Nodler

SB 1111-Klindt

SB 1064-Scott and Clemens

SB 974-Dougherty, with SCS

SB 1130-Scott

SB 1055-Bartle and Wheeler

Reported 3/8

SB 1240-Griesheimer, with SCS

SB 1249-Champion

SB 824-Griesheimer

SB 1112-Clemens

SB 1257-Days and Foster

SB 1133-Foster, et al

SB 1188-Loudon, with SCS

SB 1181-Yeckel, with SCS

SB 1250-Scott, with SCS

SB 1084-Foster, with SCS

SB 1165-Russell

SB 1274-Shields

SB 1047-Kennedy

SB 1083-Kennedy and Dougherty

SB 1262-Dolan, with SCS

SB 1299-Loudon

SB 1215-Griesheimer, with SCS

(In Fiscal Oversight)

SB 1235-Loudon, with SCS

Reported 3/15

SB 1259-Childers

SB 1269-Yeckel, with SCS

SB 1296-Callahan

SB 1302-Champion

SB 1304-Griesheimer and Gibbons, with SCS

SB 1329-Griesheimer

SB 1331-Gibbons, with SCS

SB 1338-Callahan

SB 1344-Champion

SB 1391-Foster

SB 961-Champion, with SCS

SB 987-Quick, with SCS

SB 1155-Cauthorn, with SCS

SB 901-Goode, with SCS

SB 1152-Steelman, with SCS

SB 1091-Klindt, with SCS

SB 1323-Shields

SB 941-Coleman, with SCS

SB 1189-Scott, with SCS

SB 1242-Wheeler

SB 847-Bland

SB 1311-Wheeler

SB 1195-Klindt, with SCS

SB 1066-Steelman, with SCS

SB 1265-Bartle, with SCS

SB 1211-Wheeler

SB 1247-Dougherty and Kennedy, with SCS

SB 906-Foster, with SCS

SB 983-Quick, with SCS

SB 842-Childers

SB 1320-Kinder

SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1287-Griesheimer, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1285-Wheeler

RESOLUTIONS

To be Referred

HCR 10-Myers

Reported from Committee

SCR 36-Gibbons and

Dougherty, with SCS

Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY--WEDNESDAY, MARCH 17, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"I bind unto myself this day, the power of God to hold and lead..." (Text attributed to St. Patrick.)

Gracious God of heaven and earth, we join the thoughts of St. Patrick that it is only in You that we can gain the wisdom of faithful living in this world as You teach and Your hand guides us through this day. May we be bound to You and obedient to Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1579, regarding Margaret "Meg" Hoester, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1580, regarding Joe Reece, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1581, regarding Scott Troy, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 1582, regarding Whitney Heins, Concordia, which was adopted.

Senator Jacob offered Senate Resolution No. 1583, regarding Tegan Teacutter, Columbia, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 1014**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2004.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 1014**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2004.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 1014** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, Page 7, Section 14.150, by inserting immediately after said section the following new section:

"Section 14.155. To the Department of Corrections

For the purpose of funding the expense of fuel and

utilities department wide

Expense and Equipment

From General Revenue Fund \$51,246".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 1014**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 1014**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons

Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Dolan	Jacob
Wheeler--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for SS for SB 718, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 718

An Act to repeal section 536.010, RSMo, and to enact in lieu thereof six new sections relating to small businesses.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, SS for SS for SB 718 was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Jacob--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SBs 1020, 889** and **869** entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1020, 889 and 869

An Act to repeal sections 610.010, 610.011, 610.015, 610.020, 610.021, 610.022, 610.023, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof fourteen new sections relating to public records.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS** for **SBs 1020, 889** and **869** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Stelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Clemens	Coleman	Foster--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 1081, with **SCS**, was placed on the Informal Calendar.

Senator Loudon moved that **SB 1141**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1141**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1141

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1141** be adopted.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1141, Page 1, Section 245.015, Lines 7-9, by striking said lines and inserting in lieu thereof the following: "**this state** may".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **SB 1141**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1141**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 788, with **SCS**, introduced by Senator Childers, entitled:

An Act to repeal sections 302.775, 304.022, and 307.175, RSMo, and to enact in lieu thereof three new sections relating to the operation of emergency vehicles, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 788**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 788

An Act to repeal sections 302.775, 304.022, and 307.175, RSMo, and to enact in lieu thereof three new sections relating to the operation of emergency vehicles, with an emergency clause.

Was taken up.

Senator Childers moved that **SCS** for **SB 788** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 788** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Stoll--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Mathewson	Stoll--3	
Absent with leave--Senators--None			

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 845, with **SCS**, introduced by Senator Yeckel, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

Was called from the Consent Calendar and taken up.

SCS for **SB 845**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 845

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 845** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 845** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

NAYS--Senator Caskey--1

Absent--Senators

Bland

Quick

Stoll--3

Absent with leave--Senator Russell--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 894, introduced by Senator Goode, entitled:

An Act to repeal section 307.172, RSMo, and to enact in lieu thereof one new section relating to maximum bumper heights for motor vehicles, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 894** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland

Quick

Stoll--3

Absent with leave--Senator Russell--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 899, introduced by Senator Goode, entitled:

An Act to repeal section 307.375, RSMo, and to enact in lieu thereof one new section relating to inspection of school buses.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 899** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senator Russell--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

SB 956, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal sections 307.125 and 307.127, RSMo, and to enact in lieu thereof three new sections relating to operating animal-driven vehicles, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 956**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 956

An Act to repeal sections 307.125 and 307.127, RSMo, and to enact in lieu thereof two new sections relating to operating animal-driven vehicles, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 956** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 956** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman

Vogel	Wheeler	Yeckel--31
	NAYS--Senators--None	
	Absent--Senators	
Goode	Stoll--2	
	Absent with leave--Senator Russell--1	

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1225, with **SCS**, introduced by Senator Dougherty, et al, entitled:

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers.

Was called from the Consent Calendar and taken up by Senator Dougherty.

SCS for **SB 1225**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1225

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 1225** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 1225** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Quick	Stoll--2		
	Absent with leave--Senator Russell--1		

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1114, introduced by Senator Loudon, entitled:

An Act to repeal section 82.291, RSMo, and to enact in lieu thereof one new section relating to removal of nuisances, with a termination date.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 1114** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Stoll--2		
Absent with leave--Senator Russell--1			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 762, with **SCS No. 2**, introduced by Senator Champion, entitled:

An Act to repeal sections 210.025, 210.543, 210.565, and 210.760, RSMo, and to enact in lieu thereof eight new sections relating to foster care, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS No. 2 for **SB 762**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 762

An Act to repeal sections 210.565 and 210.760, RSMo, and to enact in lieu thereof six new sections relating to foster care.

Was taken up.

Senator Champion moved that **SCS No. 2** for **SB 762** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS No. 2** for **SB 762** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Quick	Stoll--2		
	Absent with leave--Senator Russell--1		

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1212, with **SCS**, introduced by Senator Wheeler, entitled:

An Act to authorize the governor to convey property owned by the state to the Truman Medical Center.

Was called from the Consent Calendar and taken up.

SCS for **SB 1212**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1212

An Act to authorize the governor to convey property owned by the state to the Truman Medical Center.

Was taken up.

Senator Wheeler moved that **SCS** for **SB 1212** be adopted, which motion prevailed.

Senator Wheeler was recognized to close.

President Pro Tem Kinder referred **SCS** for **SB 1212** to the Committee on Governmental Accountability and Fiscal Oversight.

SB 1243, introduced by Senator Wheeler, entitled:

An Act to repeal section 475.275, RSMo, and to enact in lieu thereof one new section relating to verification of securities held by conservator.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1243** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dougherty	Goode	Stoll--3	
Absent with leave--Senator Russell--1			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1253, with **SCS**, introduced by Senator Mathewson, et al, entitled:

An Act to repeal section 353.020, RSMo, and to enact in lieu thereof one new section relating to urban redevelopment.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **SB 1253**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1253

An Act to repeal section 353.020, RSMo, and to enact in lieu thereof one new section relating to urban redevelopment.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 1253** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 1253** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland

Stoll--2

Absent with leave--Senator Russell--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1085, introduced by Senator Foster, et al, and **SB 800**, introduced by Senators Steelman and Dougherty, with **SCS**, entitled respectively:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to donations for multiple sclerosis.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the creation of an ALS Lou Gehrig's Disease fund.

Were called from the Consent Calendar and taken up by Senator Foster.

SCS for **SBs 1085** and **800**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1085 and 800

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to certain nonprofit organizations.

Was taken up.

Senator Foster moved that **SCS** for **SBs 1085** and **800** be adopted, which motion prevailed.

Senator Foster was recognized to close.

President Pro Tem Kinder referred **SCS** for **SBs 1085** and **800** to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **HCR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Gibbons, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Bartle.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1584, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. L. Lloyd Lalumondier, Festus, which was adopted.

Senator Scott offered Senate Resolution No. 1585, regarding Courtney Dull, Weaubleau, which was adopted.

Senator Scott offered Senate Resolution No. 1586, regarding Jean Walden, Springfield, which was adopted.

Senator Caskey offered Senate Resolution No. 1587, regarding Dr. Thomas Alexander, Butler, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 960**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 960**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 960

An Act to repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof two new sections relating to property tax reassessment.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 960** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 960**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 960

An Act to repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof two new sections relating to property tax reassessment.

Senator Gibbons moved that **SS** for **SCS** for **SB 960** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 960, Page 1, In the Title, Line 3, by inserting immediately after the word "reassessment" the following: ", with an effective date for a certain section"; and

Further amend said bill, page 24, section 137.115, line 2, by inserting immediately after said line the following:

"137.122. 1. As used in this section, the following terms shall mean:

(1) "Depreciable tangible personal property", tangible personal property that is used in a trade or business or used for the production of income and that has a determinable life of longer than one year. Depreciable tangible personal property shall not include livestock, farm machinery, property subject to the motor vehicle registration provisions of chapter 301, RSMo, or property assessed by the state tax commission pursuant to chapters 151, 153, 155, or section 137.022, and sections 137.1000 to 137.1030, RSMo;

(2) "Functional installation costs", all costs for installation if such costs are included in the purchase price and are not separately stated or separately purchased; in the case of separately stated or separately purchased installation costs, all costs for installation that are essential to the functionality of the property, or that make it minimally ready for use. The term does not include cost for installation that add to the property in a purely operational manner;

(3) "Installed fair market value", the estimated amount, expressed in terms of money, that may reasonably be expected for an installed property in an exchange between a willing buyer and a willing seller, with equity to both, neither under any compulsion to buy or sell, and both fully aware of all relevant facts, including the original cost and freight costs, as of the date of assessment;

(4) "Original cost", the purchase price paid by the taxpayer for an item of depreciable tangible personal property, including freight charges and functional installation costs, and specifically excluding any taxes on such property;

(5) "True value in money", as such term is applied to depreciable tangible personal property owned by the taxpayer, or under the taxpayer's care, charge, or management, and taxable in this state, shall mean the installed fair market value.

2. Depreciable tangible personal property shall be a separate subclass of tangible personal property and assessed at thirty-three and one-third percent of its true value in money. The "value" for tax purposes of depreciable tangible personal property, in compliance with article X, section 4(b), and under the authority of article X, section 3, of the Constitution of Missouri, shall be its value as determined by the method set forth in this section.

3. On or before January 31 of the assessment year, the assessor shall supply forms that are approved by the state tax commission to those required in subsection 4 to submit lists of depreciable tangible personal property. Such forms shall require the name and current address of the person required to file, a description of the depreciable tangible personal property, its asset class, the year acquired, the recovery period, the original cost, the depreciation class, the property's value, and any other information the assessor deems important in assessing such property.

4. All owners of taxable depreciable tangible personal property and all persons holding such property under their care, charge, or management, must submit depreciable tangible personal property lists to the assessor on forms supplied by the assessor. Such lists must be completed and submitted with the same oath, affirmation, or certification requirements and within the same time frame and subject to the same omitted personal property provisions and penalties for late or fraudulent filing as provided by law for other personal property.

5. The assessor shall review the information supplied by property owners or holders and any other information at the assessor's disposal and assure, by any necessary amendments based upon the best information available, that the depreciable tangible personal property is valued properly.

6. To implement the provisions of this subsection, the assessor shall value depreciable tangible personal property by applying the class life of property as set out in the federal Modified Accelerated Cost Recovery System life tables or their successors and applying those class lives to the following depreciation schedule:

Year Recovery Period in Years

3 5 7 10 15 20

1 75.00 85.00 89.29 92.50 95.00 96.25

2 37.50 59.50 70.16 78.62 85.50 89.03

3 12.50 41.65 55.13 66.83 76.95 82.35

4 5.00 24.99 42.88 56.81 69.25 76.18

5 10.00 30.63 48.07 62.32 70.46

6 18.38 39.33 56.09 65.18

7 10.00 30.59 50.19 60.29

8 21.85 44.29 55.77

9 15.00 38.38 51.31

10 32.48 46.85

11 26.57 42.38

12 20.67 37.92

13 15.00 33.46

14 29.00

15 24.54

16 20.08

17 20.00

Depreciable tangible personal property in all recovery periods shall continue in subsequent years to have the depreciation factor last listed in the appropriate column so long as it is owned or held by the taxpayer.

7. The state tax commission shall study and analyze the values established by this method of assessment and in every odd-numbered year make recommendations to the joint committee on tax policy pertaining to any changes in this methodology, if any, that are warranted.

8. Notwithstanding any provisions to the contrary, in all hearings before the local boards of equalization and the state tax commission, there shall be a presumption that the value derived utilizing the depreciation and valuation tables developed and approved by the state tax commission for the valuation of depreciable tangible personal property is value under article X, section 4(b) of the Constitution of Missouri and is true value in money under section 137.115. This presumption of correct value shall be rebuttable by the presentation of clear and convincing evidence that the depreciation and valuation factors do not correctly represent value as herein defined.

Section B. Section 137.122 of this act shall become effective January 1, 2005."

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons moved that **SS** for **SCS** for **SB 960**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 960**, as amended, was declared perfected and ordered printed.

Senator Shields moved that **SB 1122**, with **SCS**, and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SCS for **SB 1122**, as amended, was again taken up.

Senator Shields offered SS for SS for SCS for **SB 1122**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1122

An Act to repeal sections 332.051, 332.071, 332.081, 332.111, 332.121, and 334.100, RSMo, and to enact in lieu thereof seven new sections relating to professional licensing, with penalty provisions.

Senator Shields moved that SS for SS for SCS for **SB 1122** be adopted.

Senator Dougherty offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 8, Section 332.081, Line 10, by inserting after the word "to" the following: "**a hospital licensed pursuant to chapter 197, RSMo, that provides care and treatment only to children under the age of eighteen,**"; and

Further amend line 26, by inserting after the word "such" the following: "**children's hospital,**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 7, Section 332.081, Line 19, by inserting after all of said line the following:

"**(e) Governmental entities, including county health departments;**"; and reletter remaining paragraphs accordingly; and further amend said section, page 8, lines 23-25, by striking all of said lines and inserting in lieu thereof the following: "**within the scope of his or her license or registration. Nothing in this subsection shall**"; and further amend said bill and section, page 10, line 12, by inserting after "(42 U.S.C. 1396d(1))" the following: "**or governmental entities, including county health departments**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 8, Section 332.081, Line 4, by striking the words "shall only" and insert in lieu thereof: "**may**".

Senator Quick moved that the above amendment be adopted.

Senator Shields offered SSA 1 for SA 3, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 8, Section 332.081, Line 4, by striking the word "shall" and insert in lieu thereof: "**may**".

Senator Shields moved that the above substitute amendment be adopted, which motion prevailed.

Senator Quick offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 8, Section 332.081, Line 7, by inserting at the end of said line the following: "**all**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SS** for **SCS** for **SB 1122**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SS** for **SS** for **SCS** for **SB 1122**, as amended, was declared perfected and ordered printed.

At the request of Senator Dolan, **SB 1233**, **SB 840** and **SB 1043**, with **SCS**, were placed on the Informal Calendar. **SB 710**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Caskey, **SB 1220** with **SCS**, was placed on the Informal Calendar.

SB 738 and **SB 790**, with **SCS**, were placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 884, introduced by Senator Klindt, entitled:

An Act to amend chapter 3, RSMo, by adding thereto one new section relating to the duties of the revisor of statutes.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 884** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Coleman	Stoll--3
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Absent with leave--Senator Russell--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 768, introduced by Senator Nodler, entitled:

An Act to repeal section 174.453, RSMo, and to enact in lieu thereof one new section relating to qualifications for the board of governors of Missouri Southern State University-Joplin.

Was called from the Consent Calendar and taken up.

On motion of Senator Nodler, **SB 768** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Stoll--2		
Absent with leave--Senator Russell--1			

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1111, introduced by Senator Klindt, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 1111** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson

Nodler	Quick	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senator Russell--1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1064, introduced by Senators Scott and Clemens, entitled:

An Act to repeal section 488.2205, RSMo, and to enact in lieu thereof one new section relating to court costs.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **SB 1064** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Goode	Jacob	Stoll--3	
Absent with leave--Senator Russell--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 974, with **SCS**, introduced by Senator Dougherty, entitled:

An Act to amend chapter 538, RSMo, by adding thereto one new section relating to suits against health care providers who provide medical evaluations.

Was called from the Consent Calendar and taken up.

SCS for **SB 974**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 974

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to suits against health care providers who provide medical evaluations.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 974** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 974** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senator Stoll--1

Absent with leave--Senator Russell--1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1130, introduced by Senator Scott, entitled:

An Act to repeal section 251.440, RSMo, and to enact in lieu thereof two new sections relating to regional planning commissions.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 1130** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Quick--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1055, introduced by Senators Bartle and Wheeler, entitled:

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof one new section relating to civilian employees' retirement system of the police department of Kansas City.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **SB 1055** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1371**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1371**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1371

An Act to repeal section 208.574, RSMo, and to enact in lieu thereof five new sections relating to the coordination of

benefits for the Medicare Prescription Drug, Improvement and Modern-ization Act of 2003, with a termination date for a certain section.

Was taken up.

Senator Kinder moved that **SCS** for **SB 1371** be adopted.

Senator Kinder offered **SS** for **SCS** for **SB 1371**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1371

An Act to repeal sections 208.568 and 208.574, RSMo, and to enact in lieu thereof seven new sections relating to the coordination of benefits for the Medicare Prescription Drug, Improvement and Modernization Act of 2003, with a termination date for a certain section.

Senator Kinder moved that **SS** for **SCS** for **SB 1371** be adopted.

Senator Kinder offered **SS** for **SS** for **SCS** for **SB 1371**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1371

An Act to repeal sections 208.568 and 208.574, RSMo, and to enact in lieu thereof seven new sections relating to the coordination of benefits for the Medicare Prescription Drug, Improvement and Modernization Act of 2003, with a termination date for a certain section.

Senator Kinder moved that **SS** for **SS** for **SCS** for **SB 1371** be adopted.

Senator Foster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1371, Page 1, Section A, Line 4, of said page, by inserting after all of said line the following:

"208.556. 1. There is hereby established the "Missouri Senior Rx Program" within the division of aging in the department of health and senior services to help defray the costs of prescription drugs for elderly Missouri residents. The division shall provide technical assistance to the commission for the administration and implementation of the program. The commission shall solicit requests for proposals from private contractors for the third-party administration of the program; except that, the commission shall either administer the rebate program established in section 208.565 or contract with the division of medical services for such rebate program. The program shall be governed by the commission for the Missouri Senior Rx program established in section 208.553.

2. Administration of the program shall include, but not be limited to, devising program applications, enrolling

participants, administration of prescription drug benefits, and implementation of cost-control measures, including such strategies as disease management programs, early refill edits, drug utilization review which includes retroactive approval systems, fraud and abuse detection system, and auditing programs. The commission shall select a responsive, cost-effective bid from the requests for proposal; however, if no responsive, cost-effective bids are received, the program shall be administered collaboratively by the department of health and senior services and the department of social services.

3. Prescription drug benefits shall not include coverage of the following drugs or classes of drugs, or their medical uses:

- (1) Agents when used for anorexia or weight gain;
- (2) Agents when used to promote fertility;
- (3) Agents when used for cosmetic purposes or hair growth;
- (4) Agents when used for the symptomatic relief of cough and colds;
- (5) Agents when used to promote smoking cessation;
- (6) Prescription vitamins and mineral products, except prenatal vitamins and fluoride preparations;
- (7) Nonprescription drugs;
- (8) Covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee;
- (9) Barbiturates;
- (10) Benzodiazepines.

4. Subject to appropriations, available funds and other cost-control measures authorized herein, any Missouri resident sixty-five years of age or older, who has not had access to employer-subsidized health care insurance that offers a pharmacy benefit for six months prior to application, who is not currently ineligible pursuant to subsection 8 of this section:

- (1) Who has a household income at or below twelve thousand dollars for an individual or at or below seventeen thousand dollars for a married couple is eligible to participate in the program; or
- (2) Who has a household income at or below seventeen thousand dollars for an individual or at or below twenty-three thousand dollars for a married couple is eligible to participate in the program.
- (3) However, the commission may restrict income eligibility limits as a last resort to obtain program cost control.

5. The commission shall have the authority to set and adjust coinsurance, deductibles and enrollment fees at different amounts pursuant to subdivisions (1) and (2) of subsection 4 of this section as a cost-containment measure.

6. Any person who has retired and received employer-sponsored health insurance while employed, but whose employer does not offer health insurance coverage to retirees shall not be subject to the six-month uninsured requirement.

7. The program established in this section is not an entitlement. Benefits shall be limited to the level supported by the moneys explicitly appropriated pursuant to this section. If in any fiscal year the commission projects that the total cost of the program will exceed the amount currently appropriated for the program, the commission may direct the third-

party administrator to implement cost-control measures to reduce the projected cost. Such cost-control measures may include, but are not limited to, increasing the enrollment fees in subsection 12 of this section, the deductibles in subsection 11 of this section, and the coinsurance outlined in subsection 12 of this section. The Missouri Senior Rx program is a payer of last resort. If the federal government establishes a pharmaceutical assistance program that covers program-eligible seniors under Medicare or another program, the Missouri Senior Rx program shall cover only eligible costs not covered by the federal program.

8. Any person who is receiving Medicaid benefits shall not be eligible to participate in the program. The Missouri Senior Rx program is a payer of last resort. If a senior has coverage for pharmaceutical benefits through a health benefit plan, as defined in section 376.1350, RSMo, including a Medicare supplement or Medicare+Choice plan, or through a self-funded employee benefit plan, the Missouri Senior Rx program shall pay only for eligible costs not provided by such coverage. Individuals who have benefits with an actuarial value greater than or equal to the benefits in the program are not eligible for the program.

9. **All** applicants [for] **not currently participating in** the program shall submit an [annual] **initial** application to the division, or the division's designee, that attests to the age, residence, any third-party health insurance coverage, previous year prescription drug costs, annual household income for an individual or couple, if married, and any other information the commission deems necessary. The third-party administrator shall prescribe the form of the application for **initial** enrollment in the program, which shall be approved by the division. The commission shall develop and implement a means test by which applicants must demonstrate that they meet the income requirement of the program. Information provided by applicants and enrollees pursuant to sections 208.550 to 208.571 is confidential and shall not be disclosed by the commission, the division or any other state agency or contractor therein in any form.

10. Nothing in this section shall be construed as requiring an applicant to accept Medicaid benefits in lieu of participation in this program.

11. The following deductibles shall apply to enrollees in the program:

(1) For an individual with a household income at or below twelve thousand dollars, the deductible shall, in the initial year, not be less than two hundred fifty dollars;

(2) For a married couple with a household income at or below seventeen thousand dollars, the deductible shall, in the initial year, not be less than two hundred fifty dollars for each person;

(3) For an individual with a household income between twelve thousand one dollars and seventeen thousand dollars, the deductible shall, in the initial year, not be less than five hundred dollars; and

(4) For a married couple with a household income between seventeen thousand one dollars and twenty-three thousand dollars, the deductible shall, in the initial year, not be less than five hundred dollars for each person.

12. For prescription drugs, enrollees shall pay a forty percent coinsurance. The division may implement a higher coinsurance at the recommendation of the commission. Such coinsurance may be adjusted annually by the commission and shall be used to reduce the state's cost for the program. In addition, each enrollee with an annual household income at or below twelve thousand dollars for an individual or at or

below seventeen thousand dollars for a married couple shall pay, in the initial year, not less than an annual twenty-five dollar enrollment fee and each enrollee with a household income between twelve thousand one dollars and seventeen thousand dollars for an individual or at or below between seventeen thousand one dollars and twenty-three thousand dollars for a married couple shall pay, in the initial year, not less than an annual thirty-five dollar enrollment fee to offset the administrative costs of the program.

13. The total annual expenditures for each enrollee under this program may be up to but shall not exceed five thousand dollars for each participant.

14. In providing program benefits, the department may enter into a contract with a private individual, corporation or

agency to implement the program.

15. The division shall utilize area agencies on aging, senior citizens centers, and other senior-focused entities to provide outreach, enrollment referral assistance, and education services to potentially eligible seniors for the Missouri Senior Rx program. The division and third-party administrators shall be responsible for informing eligible seniors on the availability of and providing information about pharmaceutical company benefits which may be applicable.

16. The commission shall submit quarterly reports to the governor, the senate appropriations committee, the house of representatives budget committee, the speaker of the house of representatives, the president pro tem of the senate, and the division that include:

(1) Quantified data as to the number of program applicants;

(2) An estimate of whether the current rate of expenditures will exceed the existing appropriation for the program in the current fiscal year; and

(3) Information regarding the commission's recommendations for changes to income eligibility, enrollment fees, coinsurance, deductibles, and benefit caps for enrollees in the program.

17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 208.550 to 208.571 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 208.550 to 208.571 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

18. Any person who knowingly makes any false statements, falsifies or permits to be falsified any records, or engages in conduct in an attempt to defraud the program is guilty of a misdemeanor and shall forfeit all rights to which he or she may be entitled hereunder.

208.559. 1. [The Missouri Senior Rx program shall be operational no later than July 1, 2002.] The division shall accept applications for **initial** enrollment during an [initial] open enrollment period from [April 1, 2002, through May 30, 2002. Beginning with the enrollment period for fiscal year 2004, open enrollment periods for the program shall be held from] January first through February twenty-eighth **of each year. Any current enrollee shall automatically remain in the program unless such enrollee specifically opts out of the program during an open enrollment period. The division may establish procedures for verifying a current enrollee's continued eligibility for the program under section 208.556.**

2. A person may apply for participation in the program outside the enrollment periods listed in subsection 1 of this section within thirty days of such person attaining the age and income eligibility requirements of the program established in section 208.556."; and

Further amend the title and enacting clause

accordingly.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1371, Page 2, Section 208.580, Lines 15-23, by striking all of said lines and amending subsequent subdivision identifiers accordingly;

and further amend same section, page 3, lines 6-15, by striking all of said lines and inserting in lieu thereof the following:

"(2) "Gap coverage", seventy-five percent of qualified prescription drug expenses incurred by an eligible senior each year:

(a) After the eligible senior has incurred qualified prescription drug expenses equal to the initial coverage limit for that year, as "initial coverage limit" is defined in the Medicare Prescription Drug, Improvement and Modernization Act of 2003; and

(b) Before the eligible senior has incurred qualified prescription drug expenses equal to the annual out-of-pocket threshold for that year, as "annual out-of-pocket threshold" is defined in the Medicare Prescription Drug, Improvement and Modernization Act of 2003;

(3) "Qualified prescription drug expenses", those expenses incurred for prescription drugs for which coverage is allowed pursuant to subsections 6, 7 and 8 of this section;"; and

Further amend same section, page 4, lines 9-11, by striking all of said lines and inserting in lieu thereof the following: "control measures to reduce the projected cost. The"; and

Further amend same section, page 4, lines 13-20, by striking all of said lines and inserting in lieu thereof the following:

"4. Subject to appropriations and other available funds, the Missouri senior prescription drug plan shall provide gap coverage for each eligible senior each year, except that the total benefit under the Missouri senior prescription drug plan for any eligible senior shall not exceed two thousand one hundred thirty-eight dollars in the first year of the plan with that amount thereafter adjusted annually based upon the provisions of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 in such a manner to maintain the full seventy-five percent coverage for qualified prescription drug expenses incurred within the coverage gap created by the Medicare Prescription Drug, Improvement and Modernization Act of 2003."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that ~~SS~~ for ~~SS~~ for ~~SCS~~ for **SB 1371**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, ~~SS~~ for ~~SS~~ for ~~SCS~~ for **SB 1371**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 1240, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was called from the Consent Calendar and taken up.

SCS for **SB 1240**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1240

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 1240** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1240** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1249, introduced by Senator Champion, entitled:

An Act to repeal sections 34.010 and 34.070, RSMo, and to enact in lieu thereof three new sections relating to state purchasing.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 1249** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 824, introduced by Senator Griesheimer, entitled:

An Act to repeal section 301.390, RSMo, and to enact in lieu thereof one new section relating to seizure of motor vehicles with altered or missing licensed plates, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 824** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1257, introduced by Senators Days and Foster, entitled:

An Act to repeal section 160.261, RSMo, and to enact in lieu thereof one new section relating to school discipline, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **SB 1257** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Quick--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1133, introduced by Senator Foster, et al, entitled:

An Act to repeal section 168.221, RSMo, and to enact in lieu thereof one new section relating to school principals.

Was called from the Consent Calendar and taken up by Senator Foster.

On motion of Senator Foster, **SB 1133** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Russell--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1188, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts.

Was called from the Consent Calendar and taken up.

SCS for **SB 1188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1188

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts, with an expiration date and an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1188** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1188** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1181, with **SCS**, introduced by Senator Yeckel, entitled:

An Act to repeal sections 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, RSMo, and to enact in lieu thereof six new sections relating to licensing of physical therapists and physical therapist assistants.

Was called from the Consent Calendar and taken up.

SCS for **SB 1181**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1181

An Act to repeal sections 334.100, 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, RSMo, and to enact in lieu thereof seven new sections relating to licensing of physical therapists and physical therapist assistants.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 1181** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 1181** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senator Bland--1

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1250, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 414.560, RSMo, and to enact in lieu thereof one new section relating to Missouri propane education and research council.

Was called from the Consent Calendar and taken up.

SCS for **SB 1250**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1250

An Act to repeal section 414.560, RSMo, and to enact in lieu thereof one new section relating to Missouri propane education and research council.

Was taken up.

Senator Scott moved that **SCS** for **SB 1250** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 1250** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 730**, entitled:

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a homestead exemption for the elderly.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Amendments Nos. 2 and 3.

HOUSE AMENDMENT NO. 1 TO HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Substitute Amendment No. 1 for House Amendment No. 1 to House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, Page 3, Section 137.106, Line 11 by deleting the words "**one hundred**" and inserting in lieu thereof the word "**ninety-five**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, Page 3, Section 137.106, Line 11 of said page by inserting after the words "**one hundred**" the word "**ten**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, Page 3, Section 137.106, Line 19 by inserting after the word "**subdivision**" the words "**if and only if the decrease in revenue is a direct result of claims paid under the homestead exemption credit**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, Page 7, Section 137.106, Line 9 of said page by inserting after the word "**county.**" the following: "**In any county of the third classification with a township form of government, the remaining one-quarter of one percent shall be distributed to the county general revenue fund.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gross moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 730**, as amended, and request the House to recede from its position and failing to do so grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 960**; and **SCS** for **SB 1141**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1588, regarding Jefferson College, Hillsboro, which was adopted.

COMMUNICATIONS

Senator Kinder submitted the following:

March 17, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointments to the Missouri Consolidated Health Care Plan Board of Trustees

Dear Terry:

Pursuant to Section 103.008, RSMo 2002, I am appointing the following Senators to the Missouri Consolidated Health Care Plan Board of Trustees:

Senator Delbert Scott

Senator Charles Wheeler

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Kay and Bob Pelikan and their children, Andrew and Laura; and Charlie Spencer and Jan Schuster, Kirkwood.

On behalf of Senator Griesheimer and himself, Senator Gibbons introduced to the Senate, Ann Cunningham, Kirkwood; and Diane Lucas, Wildwood.

Senator Klindt introduced to the Senate, Rusty Kahrs, Howard Hardecke, Ryan Bailey, Carl Elliott, Crystal Sellers, David Geier, David Moore, Ken Disselhorst, Merrel Breyer and Brent Bryant, officers of the Missouri Cattlemen's Association.

Senator Mathewson introduced to the Senate, Chris Damon, and Whitney, Mark, and Cindy Heins, and Zach Lenz, Concordia.

Senator Caskey introduced to the Senate, Susie Yoder, Sue Bohnert and sixth, seventh and eighth grade students from Harrisonville Middle School; and Sabrina Bryant, Jessie Friedrich, Sam Cooper, Sarah Holland, Bailey Warner and Alie Roth were made honorary pages.

Senator Bray introduced to the Senate, Rabbi Susan Talve and representatives of Hadassah Women's Advocacy Group, Creve Coeur.

On behalf of Senator Vogel and himself, Senator Scott introduced citizens from Benton and Morgan Counties.

Senator Gibbons introduced to the Senate, Teree Farbstein, St. Louis County; Fran Alper, Olivette; Susan Talve and Carole Slepian, St. Louis; and Barbara Rosenfield, Manchester.

Senator Griesheimer introduced to the Senate, Miriam Howatt, Wildwood.

Senator Callahan introduced to the Senate, Nicki Burnett, Kansas City.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY-THURSDAY, MARCH 18, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 959

HCS for HB 1115

HCS for HB 1363

HCS for HB 1439

HB 826-Kelley (144)

HB 1291-Pearce

HB 956-May (149)

HB 1398-Lager

HCS for HB 1399

HB 1259-Threlkeld

HCS for HB 1305

HB 937-Moore, et al

HB 904-Luetkemeyer

HB 824-Seigfried

HCS for HB 912

HCS for HB 1171

HCS for HB 1192

THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 715-Childers

and Caskey (In Fiscal Oversight)

SCS for SB 988-Steelman (In Fiscal Oversight)

SS for SCS for SB 960-Gibbons

SCS for SB 1141-Loudon

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 710-Goode and Bray, with SCS

SBs 738 & 790-Loudon, with SCS

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1081-Kinder, et al, with SCS

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1220-Caskey, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SBs 1233, 840 & 1043-Dolan, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

Reported 3/1

SCS for SB 1212-Wheeler and Russell

(In Fiscal Oversight)

SCS for SBs 1085 & 800-Foster, et al

(In Fiscal Oversight) Reported 3/8

SB 1112-Clemens

SB 1084-Foster, with SCS

SB 1165-Russell

SB 1274-Shields

SB 1047-Kennedy

SB 1083-Kennedy and Dougherty

SB 1262-Dolan, with SCS

SB 1299-Loudon

SB 1215-Griesheimer, with SCS

(In Fiscal Oversight)

SB 1235-Loudon, with SCS

Reported 3/15

SB 1259-Childers

SB 1269-Yeckel, with SCS

SB 1296-Callahan

SB 1302-Champion

SB 1304-Griesheimer and Gibbons, with SCS

SB 1329-Griesheimer

SB 1331-Gibbons, with SCS

SB 1338-Callahan

SB 1344-Champion

SB 1391-Foster

SB 961-Champion, with SCS

SB 987-Quick, with SCS

SB 1155-Cauthorn, with SCS

SB 901-Goode, with SCS

SB 1152-Steelman, with SCS

SB 1091-Klindt, with SCS

SB 1323-Shields

SB 941-Coleman, with SCS

SB 1189-Scott, with SCS

SB 1242-Wheeler

SB 847-Bland

SB 1311-Wheeler

SB 1195-Klindt, with SCS

SB 1066-Steelman, with SCS

SB 1265-Bartle, with SCS

SB 1211-Wheeler

SB 1247-Dougherty and Kennedy, with SCS

SB 906-Foster, with SCS

SB 983-Quick, with SCS

SB 842-Childers

SB 1320-Kinder

SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1287-Griesheimer, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1285-Wheeler

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

SS for SCS for SB 730-Gross,
with HS for HCS, as amended
(Senate requests House recede
or grant conference)

RESOLUTIONS

Reported from Committee

SCR 36-Gibbons and Dougherty, with SCS

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIRST DAY--THURSDAY, MARCH 18, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"In stillness we learn to remain with the energy that arises from contact we have made with our own spiritual nature." (John Main)

Creator God, as we leave here today, our work done for a week of rest, may we find time to re-energize our bodies and find the stillness that allows our souls to be nurtured by Your Word and grace. And we pray for Mark Hughes' father having surgery this morning and pray You will restore him to health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and the St. Louis American were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Bland offered Senate Resolution No. 1589, regarding the death of Maynard Eugene Harvey, Sr., Kansas City, which was adopted.

Senator Foster offered Senate Resolution No. 1590, regarding June Bartch, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1591, regarding Erica Sinko, Holcomb, which was adopted.

Senator Foster offered Senate Resolution No. 1592, regarding Mary Kathryn Finley, Portageville, which was adopted.

Senator Foster offered Senate Resolution No. 1593, regarding Charla Chailland, Kennett, which was adopted.

Senator Foster offered Senate Resolution No. 1594, regarding Charles J. Kiser, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1595, regarding Lynn Plummer, Dexter, which was adopted.

Senator Foster offered Senate Resolution No. 1596, regarding Elizabeth Usher, Portageville, which was adopted.

Senator Foster offered Senate Resolution No. 1597, regarding Amy Swearingen, Dexter, which was adopted.

CONCURRENT RESOLUTIONS

Senator Yeckel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 44

WHEREAS, health involves all aspects of life, including mind, body, spirit, and environment, and high-quality health care must support care of the whole person; and

WHEREAS, promoting the use of science and appropriate scientific methods to help identify safe and effective complementary and alternative medicine (CAM) services and products and to generate evidence will protect and promote the public health; and

WHEREAS, people have a remarkable capacity for recovery and self-healing, and a major focus of health care is to support and promote this capacity; and

WHEREAS, each person is unique and has the right to health care that is appropriately responsive to him or her, respecting preferences and preserving dignity; and

WHEREAS, each person has the right to choose freely among safe and effective care or approaches, as well as among qualified practitioners who are accountable for their claims and actions and responsive to the person's needs; and

WHEREAS, good health care emphasizes self-care and early intervention for maintaining and promoting health; and

WHEREAS, good health care requires teamwork among patients, health care practitioners (conventional and CAM), and researchers committed to creating optimal healing environments and to respecting the diversity of all health care traditions; and

WHEREAS, education about prevention, healthy lifestyles, and the power of self-healing should be made an integral part of the curricula of all health care professionals and should be made available to the public of all ages; and

WHEREAS, the quality of health care can be enhanced by promoting efforts that thoroughly and thoughtfully examine the evidence on which CAM systems, practices, and products are based and make this evidence widely, rapidly, and easily available; and

WHEREAS, the input of informed consumers and other members of the public must be incorporated in setting priorities for health care and health care research and in reaching policy decisions, including those related to CAM, within the public and private sectors:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Complementary and Alternative Medicine Policy"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the members of the Committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Department of Health and Senior Services and the Division of Professional Registration; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the committee shall provide a report on legislative and administrative recommendations for assuring that public policy maximizes the benefits to Missourians of complementary and alternative medicine. The recommendations shall address the following:

- (1) The education and training of health care practitioners in complementary and alternative medicine;
- (2) The coordinated research to increase knowledge about complementary and alternative medicine practices and products;
- (3) The provision to health care professionals of reliable and useful information about complementary and alternative medicine that can be made readily accessible and understandable to the general public;
- (4) Guidance for appropriate access to and delivery of complementary and alternative medicine; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2005, and the authority of such Committee shall terminate on December 31, 2004; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

THIRD READING OF SENATE BILLS

SS for SCS for SB 960, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 960

An Act to repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof three new sections relating to property tax reassessment, with an effective date for a certain section.

Was taken up.

On motion of Senator Gibbons, **SS for SCS for SB 960** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan	Jacob--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SCS for **SB 1141**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1141

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

Was taken up by Senator Loudon.

On motion of Senator Loudon, **SCS** for **SB 1141** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Jacob	Kinder--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1112, introduced by Senator Clemens, entitled:

An Act to repeal section 115.124, RSMo, and to enact in lieu thereof one new section relating to the election of community college district boards of trustees.

Was called from the Consent Calendar and taken up.

Senator Clemens moved that **SB 1112** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Bartle	Callahan	Childers	Clemens
Days	Dolan	Foster	Gibbons
Griesheimer	Loudon	Russell--11	

	NAYS--Senators		
Bray	Caskey	Cauthorn	Champion
Coleman	Dougherty	Goode	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--21			

	Absent--Senators
Bland	Quick--2
	Absent with leave--Senators--None

SB 1084, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 169.596, RSMo, and to enact in lieu thereof one new section relating to the teacher retirement system.

Was called from the Consent Calendar and taken up.

SCS for **SB 1084**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1084

An Act to repeal sections 168.303, 169.712, and 169.596, RSMo, and to enact in lieu thereof three new sections relating to the teacher retirement system.

Was taken up.

Senator Foster moved that **SCS** for **SB 1084** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 1084** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Wheeler--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1165, introduced by Senator Russell, entitled:

An Act to repeal section 67.2015, RSMo, relating to taxation in any county of the third classification without a township form of government and with more than eight thousand three hundred but less than eight thousand four hundred inhabitants, with an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1165** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1274, introduced by Senator Shields, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to area health education centers.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 1274** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

NAYS--Senators--None
Absent--Senator Bland--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

SB 1047, introduced by Senator Kennedy, entitled:

An Act to repeal sections 210.481, 210.484, and 210.486, RSMo, and to enact in lieu thereof two new sections relating to facilities providing twenty-four-hour care for children in a group setting.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 1047** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Bland--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1083, introduced by Senators Kennedy and Dougherty, entitled:

An Act to repeal section 701.342, RSMo, and to enact in lieu thereof one new section relating to testing for lead poisoning in children.

Was called from the Consent Calendar and taken up by Senator Kennedy.

On motion of Senator Kennedy, **SB 1083** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1262, with **SCS**, introduced by Senator Dolan, entitled:

An Act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

Was called from the Consent Calendar and taken up.

SCS for **SB 1262**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1262

An Act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

Was taken up.

Senator Dolan moved that **SCS** for **SB 1262** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 1262** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields

Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1299, introduced by Senator Loudon, entitled:

An Act to repeal section 379.825, RSMo, and to enact in lieu thereof one new section relating to residential property insurance.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 1299** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1235, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal sections 375.246, 375.1176, 375.1198, and 375.1220, RSMo, and to enact in lieu thereof four new sections relating to insurer liquidation law, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1235**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1235

An Act to repeal sections 375.246, 375.1198, and 375.1220, RSMo, and to enact in lieu thereof three new sections relating to insurer liquidation law, with penalty provisions.

Was taken up.

Senator Loudon requested unanimous consent of the Senate to suspend the Rules for the purpose of offering an amendment, which request was granted.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1235, Page 1, In the Title, Lines 4-5 of the title, by striking the following: ", with penalty provisions".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SCS for **SB 1235**, as amended, was again taken up.

Senator Loudon moved that **SCS** for **SB 1235**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1235**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland-- 1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1093, with **SCS**, introduced by Senators Gibbons and Yeckel, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to investment of public funds.

Was called from the Consent Calendar and taken up by Senator Gibbons.

SCS for **SB 1093**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1093

An Act to amend chapters 67, 362, and 369, RSMo, by adding thereto three new sections relating to investment of public funds.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1093** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1093** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Senator Steelman moved that **SB 799**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 799** was taken up.

Senator Steelman moved that **SCS** for **SB 799** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 799** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Bland--1
 Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Bray moved that **SB 771**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 771** was taken up.

Senator Bray moved that **SCS** for **SB 771** be adopted, which motion prevailed.

On motion of Senator Bray, **SCS** for **SB 771** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Bland--1
 Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 772, introduced by Senator Bray, entitled:

An Act to repeal section 307.100, RSMo, and to enact in lieu thereof one new section relating to flashing warning signals on certain motor vehicles.

Was called from the Consent Calendar and taken up.

On motion of Senator Bray, **SB 772** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

NAYS--Senators--None

Absent--Senator Wheeler--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Bray, title to the bill was agreed to.

Senator Bray moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1123, introduced by Senator Gibbons, et al, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to reimbursement of nursing homes, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **SB 1123** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

NAYS--Senators--None

Absent--Senator Wheeler--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Bartle Dougherty--2

Absent with leave--Senators--None

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 36**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 36** was taken up.

Senator Gibbons moved that **SCS** for **SCR 36** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SCR 36**:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, underage drinking is an issue of concern to the citizens of our state; and

WHEREAS, research indicates teenagers and their parents are not well informed about the legal, social, and other consequences of underage drinking; and

WHEREAS, underage drinking may lead to social disruption, individual impairment and emotional maladjustment with tragic consequences:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create a Joint Interim Committee on Underage Drinking; and

BE IT FURTHER RESOLVED that the joint interim committee shall study the current public and private efforts to combat underage drinking, evaluate their effectiveness, and make recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of eighteen members, of which four shall be members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; four shall be members of the House of Representatives, of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader, with approval of the Speaker of the House of Representatives; two shall be representatives of the medical community who specialize in alcohol abuse and prevention, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two shall be representatives of the law enforcement community who work with schools in the prevention of alcohol abuse, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two shall be representatives of the commercial alcoholic beverage industry, one of which

shall be appointed by the President Pro Tem of the Senate and one of which shall be appointed by the Speaker of the House; two parents of teenage children, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and two school students between the ages of 18 and 20 years, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and

BE IT FURTHER RESOLVED the President Pro Tem of the Senate and the Speaker of the House of Representatives shall collaborate to ensure that the membership of the joint interim committee reflects adequate minority and gender representation; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses

incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the members of the joint interim committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2004, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

Senator Gibbons moved that **SS** for **SCS** for **SCR 36** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCR 36**, as amended by **SS** for **SCS**, was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senators--None			

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 717**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1183**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1254**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1171**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1116**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1355**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 810**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 728**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1198**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1198, Page 1, In the Title, Lines 2-3, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, Section A, Line 1, by striking the word "one" and inserting in lieu thereof the following: "two"; and further amend Line 2, by striking said line and inserting in lieu thereof the following: "sections enacted in lieu thereof, to be known as sections 143.225 and 143.261, to read as follows:"; and further amend said Line 15, by striking the opening bracket "[" and inserting in lieu thereof the following: "**For tax years beginning after December 31, 2006,**"; and further amend Line 16, by striking the closing bracket "]" and

Further amend said bill, Page 3, Section 143.261, Line 1, by striking the opening bracket "["; and further amend said line by inserting after "143.261." the following: "**For tax years beginning after December 31, 2006,**"; and further amend Line 11, by striking the closing bracket "]"

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1213**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1159**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 807**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1023**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1166**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 1076**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1152**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1451**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SS** for **SCS** for **SB 1122**; and **SS** for **SS** for **SCS** for **SB 1371**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Shields assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 730**, as amended and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 739**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto two new sections relating to environmental regulation.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 739, Page 4, Section 640.018, Line 27, by adding after said line the following:

"Section 1. Notwithstanding section 165.011.1 RSMo, to the contrary, all moneys received in the Pettis County School Fund prior to November 1, 2003, in resolution of environmental law violations shall be deposited into the capital projects fund. The provisions of this subsection shall terminate on December 31, 2005."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended for **HCS** for **HB 1014**, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1566**, entitled:

An Act to repeal sections 208.145, 208.146, 208.151, 208.152, 208.631, 208.636, and 208.640, RSMo, and to enact in lieu thereof nine new sections relating to medical assistance cost containment within the Medicaid program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1317**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates for Boy Scouts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCR 12**.

HOUSE CONCURRENT RESOLUTION NO. 12

An Act relating to the designation of Miss Missouri as an official hostess of the State of Missouri.

Be it enacted by the General Assembly of the state of Missouri, as follows:

WHEREAS, the Miss America Organization provides an opportunity for young women in Missouri to compete for the honor of representing the State of Missouri in national competition; and

WHEREAS, the winner of this state's Miss America preliminary, crowned as Miss Missouri, is judged worthy to act as a role model for young women across the State of Missouri; and

WHEREAS, the winner of this state's Miss America preliminary, crowned as Miss Missouri, capably represents the State of Missouri in national competition and devotes countless hours in public appearances throughout the State during her year of service as Miss Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby designates Miss Missouri who is our state's representative in the Miss America National Competition as an official hostess for the State of Missouri during her year of service as Miss Missouri:

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 996**, entitled:

An Act to repeal section 307.375, RSMo, and to enact in lieu thereof one new section relating to school bus inspections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1187**, entitled:

An Act to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to park concession stands.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1188**, entitled:

An Act to repeal sections 221.070, 488.4014, 488.5320, and 595.045, RSMo, and to enact in lieu thereof four new sections relating to the criminal justice system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 985**, entitled:

An Act to repeal sections 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, and 339.800, RSMo, and to enact in lieu thereof seventeen new sections relating to real estate agents, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1136**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto six new sections relating to the disposition of fetal remains act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1288**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to compensation agreements between franchisers and franshisees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1347**, entitled:

An Act to repeal sections 37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof eight new sections relating to the state library.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1456**, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 730**, as amended. Representatives: Portwood, Lembke, Threlkeld, Hilgemann and Muckler.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 730**, as amended: Senators Gross, Gibbons, Vogel, Goode and Bray.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1014**, as amended, and grants the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1014**, as amended: Senators Russell, Gross, Childers, Goode and Dougherty.

PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SB 739**, as amended, and request the House to recede from its position and failing to do so grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 959**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1115**--Pensions and General Laws.

HCS for **HB 1363**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1439**--Transportation.

HB 826--Transportation.

HB 1291--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 956--Agriculture, Conservation, Parks and Natural Resources.

HB 1398--Economic Development, Tourism and Local Government.

HCS for HB 1399--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1259--Commerce and the Environment.

HCS for HB 1305--Small Business, Insurance and Industrial Relations.

HB 937--Transportation.

HB 824--Economic Development, Tourism and Local Government.

HCS for HB 912--Transportation.

HCS for HB 1171--Commerce and the Environment.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 1598, regarding Dr. Natalie G. Cauldwell, Ed.D., Springfield, which was adopted.

Senator Klindt offered Senate Resolution No. 1599, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Earl Ragan, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 1600, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Amen, Brookfield, which was adopted.

Senator Childers offered Senate Resolution No. 1601, regarding the congregation of Liberty United Methodist Church, Monett, which was adopted.

Senator Childers offered Senate Resolution No. 1602, regarding Ann Hall, Monett, which was adopted.

Senator Childers offered Senate Resolution No. 1603, regarding Jack Fox, Monett, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1604, regarding Master Sergeant Rennie Davis of the Missouri National Guard, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1605, regarding the One Hundredth Birthday of Elizabeth Phipps, Unionville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1606, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Floyd Gibson, Centralia, which was adopted.

COMMUNICATIONS

Senator Jacob submitted the following:

March 17, 2004

Senator Peter Kinder Senator Michael Gibbons Terry L. Spieler

Senate Pro Tem Majority Floor Leader & Secretary of the Senate

State Capitol, Room 326 Rules Committee Chair State Capitol, Room 325

Jefferson City, MO 65101 State Capitol, Room 221 Jefferson City, MO 65101

Jefferson City, MO 65101

Re: SCS/SB 906 (Consent Calendar, Reported 03/15/04)

Written Objection Pursuant to Senate Rule 45

Senators Kinder & Gibbons, Secretary Spieler:

I hereby file written objection to the "consent" status of SCS/SB 906 and direct that said bill be returned to the Senate Committee on Small Business, Insurance and Industrial Relations, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ Ken Jacob

Senator Ken Jacob

Senator Kinder submitted the following:

March 17, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to the Missouri Minority Business Advocacy Commission

Dear Terry:

Pursuant to Section 33.752, RSMo 2002, I am appointing Senator Rita Days to the Missouri Minority Business Advocacy Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Lindsey Wyrick and Whitley Cain, and tenth grade students from Park Hill High School, Kansas City; and Lindsey and Whitley were made honorary pages.

Senator Bray introduced to the Senate, Rebecca Fuintich and sixty fourth grade students from Spoede Elementary School, St. Louis County.

Senator Bray introduced to the Senate, Kevin and Chip Moloney, University City; and Chip was made an honorary page.

Senator Champion introduced to the Senate, teachers and twenty-seven fourth grade students from Greenwood Lab School, Springfield.

Senator Kinder introduced to the Senate, fourth grade students from Blanchard Elementary School, Cape Girardeau.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Frank Rieger, M.D., Columbia.

Senator Foster introduced to the Senate, students from Neelyville School.

Senator Kennedy introduced to the Senate, Keegan and Kayla Brown, Affton; and Ethan and Mia Hale, Manchester; and Keegan, Kayla, Ethan, and Mia were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned until 10:00 a.m., Tuesday, March 23, 2004.

SENATE CALENDAR

FORTY-SECOND DAY-TUESDAY, MARCH 23, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 904-Luetkemeyer

HCS for HB 1192

HS for HCS for HB 1566-Stefanick

HB 1317-Kingery, et al

HB 996-Dusenberg, et al

HB 1187-Ervin, et al

HB 1188-Lipke, et al

HCS for HB 985

HCS for HB 1136

HCS for HB 1288

HCS for HB 1347

HCS for HB 1456 THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 715-Childers

and Caskey (In Fiscal Oversight)

SCS for SB 988-Steelman

(In Fiscal Oversight)

SS for SS for SCS for SB 1122-Shields

SS for SS for SCS for SB 1371-Kinder, et al SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 710-Goode and Bray, with SCS

SBs 738 & 790-Loudon, with SCS

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1081-Kinder, et al, with SCS

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1220-Caskey, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SBs 1233, 840 & 1043-Dolan, with SCS HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/1

SCS for SB 1212-Wheeler and Russell

(In Fiscal Oversight)

SCS for SBs 1085 & 800-Foster, et al

(In Fiscal Oversight)

Reported 3/8

SB 1215-Griesheimer, with SCS

(In Fiscal Oversight)

Reported 3/15

SB 1259-Childers

SB 1269-Yeckel, with SCS

SB 1296-Callahan

SB 1302-Champion

SB 1304-Griesheimer and Gibbons, with SCS

SB 1329-Griesheimer

SB 1331-Gibbons, with SCS

SB 1338-Callahan

SB 1344-Champion

SB 1391-Foster

SB 961-Champion, with SCS

SB 987-Quick, with SCS

SB 1155-Cauthorn, with SCS

SB 901-Goode, with SCS

SB 1091-Klindt, with SCS

SB 1323-Shields

SB 941-Coleman, with SCS

SB 1189-Scott, with SCS

SB 1242-Wheeler

SB 847-Bland

SB 1311-Wheeler

SB 1195-Klindt, with SCS

SB 1066-Steelman, with SCS

SB 1265-Bartle, with SCS

SB 1211-Wheeler

SB 1247-Dougherty and Kennedy, with SCS

SB 983-Quick, with SCS

SB 842-Childers

SB 1320-Kinder

SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1287-Griesheimer, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1285-Wheeler

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

HCS for HB 1014, with SCS,

as amended (Russell)

Requests to Recede or Grant Conference

SB 739-Klindt, with HCS, as amended

(Senate requests House

recede or grant conference)

RESOLUTIONS

To be Referred

SCR 44-Yeckel

HCR 12-Kelly (36)

Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY--TUESDAY, MARCH 23, 2004

The Senate met pursuant to adjournment.

Senator Klindt in the Chair.

RESOLUTIONS

On behalf of Senator Foster, Senator Klindt offered Senate Resolution No. 1607, regarding Shondra Price, Kennett, which was adopted.

On behalf of Senator Foster, Senator Klindt offered Senate Resolution No. 1608, regarding Jamaica Meagan Williams, Kennett, which was adopted.

On behalf of Senator Foster, Senator Klindt offered Senate Resolution No. 1609, regarding Leah Barker, Kennett, which was adopted.

On behalf of Senator Quick, Senator Klindt offered Senate Resolution No. 1610, regarding Jason Michael "Bubba" Steenstry, Kansas City, which was adopted.

On behalf of Senator Quick, Senator Klindt offered Senate Resolution No. 1611, regarding Nathan Douglas "Nate" Harper, Kansas City, which was adopted.

On behalf of Senator Quick, Senator Klindt offered Senate Resolution No. 1612, regarding Devin Ryan Haddix, Gladstone, which was adopted.

On behalf of Senator Quick, Senator Klindt offered Senate Resolution No. 1613, regarding Bret Anthony Haddix, Gladstone, which was adopted.

On behalf of Senator Quick, Senator Klindt offered Senate Resolution No. 1614, regarding Timothy Aaron "Lefty" Barton, II, Excelsior Springs, which was adopted.

On motion of Senator Klindt, the Senate adjourned until 3:00 p.m., Monday, March 29, 2004.

SENATE CALENDAR

FORTY-THIRD DAY-MONDAY, MARCH 29, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 904-Luetkemeyer

HCS for HB 1192

HS for HCS for HB 1566-Stefanick

HB 1317-Kingery, et al

HB 996-Dusenberger, et al

HB 1187-Ervin, et al

HB 1188-Lipke, et al

HCS for HB 985

HCS for HB 1136

HCS for HB 1288

HCS for HB 1347

HCS for HB 1456 THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 715-Childers

and Caskey (In Fiscal Oversight)

SCS for SB 988-Steelman

(In Fiscal Oversight)

SS for SS for SCS for SB 1122-Shields

SS for SS for SCS for SB 1371-Kinder, et al SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 710-Goode and Bray, with SCS

SBs 738 & 790-Loudon, with SCS

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1081-Kinder, et al, with SCS

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1220-Caskey, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SBs 1233, 840 & 1043-Dolan, with SCS HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/1

SCS for SB 1212-Wheeler and Russell

(In Fiscal Oversight)

SCS for SBs 1085 & 800-Foster, et al

(In Fiscal Oversight)

Reported 3/8

SB 1215-Griesheimer, with SCS

(In Fiscal Oversight)

Reported 3/15

SB 1259-Childers

SB 1269-Yeckel, with SCS

SB 1296-Callahan

SB 1302-Champion

SB 1304-Griesheimer and Gibbons, with SCS

SB 1329-Griesheimer

SB 1331-Gibbons, with SCS

SB 1338-Callahan

SB 1344-Champion

SB 1391-Foster

SB 961-Champion, with SCS

SB 987-Quick, with SCS

SB 1155-Cauthorn, with SCS

SB 901-Goode, with SCS

SB 1091-Klindt, with SCS

SB 1323-Shields

SB 941-Coleman, with SCS

SB 1189-Scott, with SCS

SB 1242-Wheeler

SB 847-Bland

SB 1311-Wheeler

SB 1195-Klindt, with SCS

SB 1066-Steelman, with SCS

SB 1265-Bartle, with SCS

SB 1211-Wheeler

SB 1247-Dougherty and Kennedy, with SCS

SB 983-Quick, with SCS

SB 842-Childers

SB 1320-Kinder

SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1287-Griesheimer, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1285-Wheeler

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

HCS for HB 1014, with SCS,

as amended (Russell)

Requests to Recede or Grant Conference

SB 739-Klindt, with HCS, as amended

(Senate requests House

recede or grant conference)

RESOLUTIONS

To be Referred

SCR 44-Yeckel

HCR 12-Kelly (36) Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY--MONDAY, MARCH 29, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"The earth is the Lord's and the world and those who dwell therein;..." (Psalm 24:1)

Creator God, we return refreshed from our Spring break and once again renewed to do what is before us. Grant us, we pray, that our eyes may see what must be done and our thoughts and hearts set to accomplish all that You have laid ahead of us. And bless us throughout this week with Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 18, 2004, and Tuesday, March 23, 2004, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1615, regarding Jenna Boyd, Portageville, which was adopted.

Senator Quick offered Senate Resolution No. 1616, regarding the Honorable Ron Van Winkle, Smithville, which was

adopted.

Senator Kinder offered Senate Resolution No. 1617, regarding Derek Winans, East Cape Girardeau, Illinois, which was adopted.

Senator Kennedy offered Senate Resolution No. 1618, regarding David Travis Buttig, St. Louis, which was adopted.

Senator Callahan offered Senate Resolution No. 1619, regarding St. Anns Catholic Church, which was adopted.

Senator Yeckel offered Senate Resolution No. 1620, regarding Paul N. Giljum, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 1621, regarding the Seventieth Birthday of Joseph Henry Kever, Westphalia, which was adopted.

Senator Bartle offered Senate Resolution No. 1622, regarding Patrick James "PJ" LeCluyse, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1623, regarding Zachary Mark Banks, Lee's Summit, which was adopted.

CONCURRENT RESOLUTIONS

Senator Dougherty offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 45

Relating to the designation of April as "Literacy

Month" in Missouri.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, literacy means having a broad range of skills that include reading, writing, mathematics, critical thinking, and speaking in English; and

WHEREAS, for businesses, literacy also includes such workplace basics as using computers, working on teams, and making decisions, and a literate workforce is essential to the local, state, and national economy and effects economic competitiveness in a global market; and

WHEREAS, learning does not end with formal education but continues throughout life as individuals acquire new knowledge and skills; and

WHEREAS, literacy empowers parents in their role as their children's first teacher, preparing their children to be ready to learn upon entering school and helping their children to succeed once in school; and

WHEREAS, English as a second language programs empower non-English speaking adults to be successful in society and at work, and to contribute to the success of their children at home through language development and to participate in their children's education; and

WHEREAS, literacy empowers Missouri citizens by enabling them to exercise the rights and responsibilities of citizenship:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate April of each year to be "Literacy Month" in Missouri; and

BE IT FURTHER RESOLVED that the members of the General Assembly recommend that Literacy Month be observed by schools and all Missouri citizens with appropriate activities that focus public awareness on empowering Missourians through increased literacy skills; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

THIRD READING OF SENATE BILLS

SB 1259, introduced by Senator Childers, entitled:

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to temporary boater education permits, with a termination date.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 1259** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Dolan--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1269, with **SCS**, introduced by Senator Yeckel, entitled:

An Act to repeal section 67.1545, RSMo, and to enact in lieu thereof one new section relating to sales and use tax authorized in certain districts.

Was called from the Consent Calendar and taken up.

SCS for **SB 1269**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1269

An Act to repeal sections 67.1401, 67.1461, and 67.1545, RSMo, and to enact in lieu thereof three new sections relating to sales and use tax authorized in certain districts.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 1269** be adopted.

At the request of Senator Yeckel, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SB 1296, introduced by Senator Callahan, entitled:

An Act to authorize the sale of certain state property.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 1296** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1302, introduced by Senator Champion, entitled:

An Act relating to authorizing the board of governors of Southwest Missouri State University to convey property in Springfield, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 1302** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Klindt	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Klindt	Mathewson	Stoll--4
Absent with leave--Senators--None			

Senator Bartle assumed the Chair.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1304, with **SCS**, introduced by Senators Griesheimer and Gibbons, entitled:

An Act to repeal section 99.847, RSMo, and to enact in lieu thereof one new section relating to reimbursement from the special allocation fund for emergency services.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

SCS for **SB 1304**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1304

An Act relating to reimbursement from the special allocation fund for emergency services.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 1304** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1304** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy

Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Klindt--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1081**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1081**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1081

An Act to amend chapter 431, RSMo, by adding thereto six new sections relating to resolution of disputes concerning alleged defective residential construction.

Was taken up.

Senator Kinder moved that **SCS** for **SB 1081** be adopted.

Senator Kinder offered **SS** for **SCS** for **SB 1081**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1081

An Act to amend chapter 431, RSMo, by adding thereto six new sections relating to resolution of disputes concerning alleged defective residential construction.

Senator Kinder moved that **SS** for **SCS** for **SB 1081** be adopted.

Senator Quick offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 5, Section 431.303, Line 15, by striking the word "NINETY" and inserting in lieu thereof "**THIRTY**".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 15, Section 431.312, Lines 11-14, by striking all of said lines and inserting in lieu thereof the following:

"3. Statements made during the mediation hearing by any party claimant, any party contractor, or any attorney or other agent of a party claimant or party contractor shall not be admissible in a subsequent action."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 16, Section 431.315, Line 19, by inserting after all of said line the following:

"Section 1. The provisions of sections 431.300 through 431.315 shall not apply to any claim of a homeowner against a contractor if such contractor failed to provide the written notice required by section 431.303."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.306, Page 7, Lines 20-21, by deleting immediately after the word "claim" the following "described in the notice of claim without further notice."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 4** was withdrawn.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 7, Section 431.306, Line 20, by striking after the words "defect claim" the words: "described in the notice of claim".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 12, Section 431.306, Line 24, by inserting after all of said line the following:

"11. The prevailing party in any action brought pursuant to this section may be awarded reasonable attorneys fees and court costs."

Senator Quick moved that the above amendment be adopted.

Senator Jacob offered **SA 1 to SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 1, Section 431.306, Line 5, by inserting after the end of said line the following:

"And further amend said bill, page 5, section 431.303, line 25, by inserting immediately at the end of said line the following: "THE PREVAILING PARTY IN ANY ACTION BROUGHT BY THE CLAIMANT AGAINST A CONTRACTOR MAY BE AWARDED REASONABLE ATTORNEY FEES AND COURT COSTS." "

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Kinder and Stoll.

SA 1 to SA 6 failed of adoption by the following vote:

	YEAS--Senators		
Coleman	Dougherty	Goode	Jacob
Kennedy	Mathewson	Quick--7	
	NAYS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		
	Absent--Senator Wheeler--1		
	Absent with leave--Senators--None		

SA 6 was again taken up.

Senator Quick moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Caskey, Coleman and Mathewson.

SA 6 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Coleman	Goode	Jacob
Mathewson	Quick	Wheeler--7	
	NAYS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		

Absent--Senator Kennedy--1

Absent with leave--Senators--None

Senator Jacob offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.306, Page 11, Lines 13-15, by deleting the following "Prior to commencing any action alleging a construction defect or after the dismissal of any action without prejudice pursuant to subsection 6 of this section, the" and inserting in lieu thereof "**The**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 5, Section 431.303(3), Line 28, by adding after the word "section" the following: "or the contractor otherwise does not comply with the provisions of sections 431.300 through 431.315".

Senator Jacob moved that the above amendment be adopted.

Senator Nodler assumed the Chair.

At the request of Senator Kinder, **SB 1081**, with **SCS**, **SS** for **SCS** and **SA 8** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1014**, as amended.
Representatives: Bearden, Lager, Purgason, Campbell and LeVota.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 739**, as amended, and grants the Senate a conference thereon.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Monica L. Anthony, 404 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending July 13, 2008, and until her successor is duly appointed and qualified; vice, Vicky Weimholt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert Estes, Republican, 1613 S. Garrison Avenue, Carthage, Jasper County, Missouri 64836, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2009, and until his successor is duly appointed and qualified; vice, John R. Small, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debra Foster Greene, Ph.D., 3608 Mall Ridge Street, Jefferson City, Cole County, Missouri 65109, as a member of the Unmarked Human Burial Consultation Committee, for a term ending July 3, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Darryl E. Knopf, Democrat, 7303 Christopher, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda J. Picou, Republican, 2546 Grayland Walk, St. Louis, St. Louis County, Missouri 63129, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tia Marie Strait, 211 N. Garrison, Carthage, Jasper County, Missouri 64836, as a member of the Advisory Commission for Dental Hygienists, for a term ending March 22, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald Vanderfeltz, 26683 Highway D, California, Moniteau County, Missouri 65018, as a member of the State Board of Optometry, for a term ending June 30, 2006, and until his successor is duly appointed and qualified; vice, Terrence Swinger, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 18, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane L. VanSant, 700 Southeast 800 Road, Leeton, Johnson County, Missouri 64761, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald A. Battelle, 1494 Kingsford Drive, Florissant, St. Louis County, Missouri 63031, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cynthia Jane Brinkley, Republican, 12214 Mentz Hill Road, St. Louis, St. Louis County, Missouri 63128, as a member of the Harris-Stowe State College Board of Regents, for a term ending August 28, 2008, and until her successor is duly appointed and qualified; vice, Carol Banta Walker, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia A. Lepp, 6239 Kings Ferry Road, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri Dental Board, for a term ending January 10, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Danny D. Opie, 235 Highway FF, P.O. Box 89, Eldon, Miller County, Missouri 65026, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2008, and until his successor is duly appointed and qualified; vice, William H. Creech, Jr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lois Riney, 309 Amanda Drive, Ashland, Boone County, Missouri 65010, as public member of the State Board of Podiatric Medicine, for a term ending August 16, 2006, and until her

successor is duly appointed and qualified; vice, Mary Marjorie Hughes, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Debbie K. Vandevender, 4301 E. 10th Street, Trenton, Grundy County, Missouri 64683, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2007, and until her successor is duly appointed and qualified; vice, Patti Penny, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Wheeler introduced to the Senate, Kathryn Knotts and Joni Cobb, Independence.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FOURTH DAY-TUESDAY, MARCH 30, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 904-Luetkemeyer

HCS for HB 1192

HS for HCS for HB 1566-Stefanick

HB 1317-Kingery, et al

HB 996-Dusenberg, et al

HB 1187-Ervin, et al

HB 1188-Lipke, et al

HCS for HB 985

HCS for HB 1136

HCS for HB 1288

HCS for HB 1347

HCS for HB 1456

THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 715-Childers

and Caskey (In Fiscal Oversight)

SCS for SB 988-Steelman (In Fiscal Oversight)

SS for SS for SCS for SB 1122-Shields

SS for SS for SCS for SB 1371-Kinder, et al

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 710-Goode and Bray, with SCS

SBs 738 & 790-Loudon, with SCS

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS,

SA 2 & SA 2 to SA 2 (pending)

SB 1081-Kinder, et al, with SCS,

SS for SCS & SA 8 (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1220-Caskey, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SBs 1233, 840 & 1043-Dolan, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/1

SCS for SB 1212-Wheeler and Russell

(In Fiscal Oversight)

SCS for SBs 1085 & 800-Foster, et al

(In Fiscal Oversight)

Reported 3/8

SB 1215-Griesheimer, with SCS

(In Fiscal Oversight)

Reported 3/15

SB 1269-Yeckel, with SCS

SB 1329-Griesheimer

SB 1331-Gibbons, with SCS

SB 1338-Callahan

SB 1344-Champion

SB 1391-Foster

SB 961-Champion, with SCS

SB 987-Quick, with SCS

SB 1155-Cauthorn, with SCS

SB 901-Goode, with SCS

SB 1091-Klindt, with SCS

SB 1323-Shields

SB 941-Coleman, with SCS

SB 1189-Scott, with SCS

SB 1242-Wheeler

SB 847-Bland

SB 1311-Wheeler

SB 1195-Klindt, with SCS

SB 1066-Steelman, with SCS

SB 1265-Bartle, with SCS

SB 1211-Wheeler

SB 1247-Dougherty and Kennedy, with SCS

SB 983-Quick, with SCS

SB 842-Childers

SB 1320-Kinder

SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1287-Griesheimer, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1285-Wheeler

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

SB 739-Klindt, with HCS, as amended

HCS for HB 1014, with SCS, as amended (Russell)

RESOLUTIONS

To be Referred

SCR 44-Yeckel

SCR 45-Dougherty

HCR 12-Kelly (36)

Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY--TUESDAY, MARCH 30, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"To thee, O Lord, I lift up my soul. O my God, in thee I trust... Make me to know thy ways, O Lord; teach me thy paths. (Psalm 25:1a, 4)

O Lord my God, we continue the work You have given us; but the calendar days fly by and we know how much is ahead of us. Teach us daily to know the path we must walk and the duties we must perform for You have called us to this sacred duty and we want to follow Your lead. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1624, regarding Phi Theta Kappa's All-Missouri Academic Team and the Missouri Community College Association, which was adopted.

Senator Shields offered Senate Resolution No. 1625, regarding Kevin Michael "Mini" McKee, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1626, regarding Robert Alan "Rob" McCall, Parkville, which was adopted.

Senator Shields offered Senate Resolution No. 1627, regarding Jeffrey Michael "Jeff" Parrett, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1628, regarding Michael G. "Mike" Philipp, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1629, regarding Zachary David "Zac" Hammel, Kansas City, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SS** for **SCS** for **SB 1122**, introduced by Senator Shields, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1122

An Act to repeal sections 332.051, 332.071, 332.081, 332.111, 332.121, and 334.100, RSMo, and to enact in lieu thereof seven new sections relating to professional licensing, with penalty provisions.

Was taken up.

On motion of Senator Shields, **SS** for **SS** for **SCS** for **SB 1122** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Russell	Stoll--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for

SB 988; SB 1215, with **SCS**; **SCS** for **SB 1212**; **SCS** for **SBs 1085** and **800**; and **SS** for **SS** for **SCS** for **SB 715**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 1329, introduced by Senator Griesheimer, entitled:

An Act to repeal sections 190.335 and 190.339, RSMo, and to enact in lieu thereof four new sections relating to emergency services.

Was called from the Consent Calendar and taken up.

Senator Griesheimer moved that **SB 1329** be read the 3rd time and finally passed.

At the request of Senator Griesheimer, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SB 1331, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to repeal section 99.918, RSMo, and to enact in lieu thereof one new section relating to downtown and rural development.

Was called from the Consent Calendar and taken up.

SCS for **SB 1331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1331

An Act to repeal section 99.918, RSMo, and to enact in lieu thereof one new section relating to downtown and rural development.

Was taken up.

Senator Shields assumed the Chair.

Senator Gibbons moved that **SCS** for **SB 1331** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1331** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Senator Griesheimer moved that **SB 1329** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Griesheimer, **SB 1329** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1338, introduced by Senator Callahan, entitled:

An Act to amend chapter 321, RSMo, by adding thereto one new section relating to a fire protection district sales tax for homeland security and training purposes.

Was called from the Consent Calendar and taken up.

On motion of Senator Callahan, **SB 1338** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

NAYS--Senators--None
Absent--Senator Bland--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1344, introduced by Senator Champion, entitled:

An Act to repeal section 620.602, RSMo, and to enact in lieu thereof one new section relating to the joint committee on economic development policy and planning.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 1344** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Goode--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1391, introduced by Senator Foster, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 1391** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 961, with **SCS**, introduced by Senator Champion, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

Was called from the Consent Calendar and taken up.

SCS for **SB 961**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 961

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

Was taken up.

Senator Champion moved that **SCS** for **SB 961** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 961** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

NAYS--Senators--None

Absent--Senator Wheeler--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 987, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal sections 247.040 and 247.165, RSMo, and to enact in lieu thereof two new sections relating to water service to annexed areas.

Was called from the Consent Calendar and taken up.

SCS for **SB 987**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 987

An Act to repeal sections 247.040 and 247.165, RSMo, and to enact in lieu thereof two new sections relating to water service to annexed areas.

Was taken up.

Senator Quick moved that **SCS** for **SB 987** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 987** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler--33			

NAYS--Senators--None

Absent--Senator Yeckel--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1155, with **SCS**, introduced by Senator Cauthorn, entitled:

An Act to repeal section 99.1000, RSMo, and to enact in lieu thereof one new section relating to the Missouri rural economic stimulus authority.

Was called from the Consent Calendar and taken up.

SCS for **SB 1155**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1155

An Act to repeal sections 99.1000 and 99.1018, RSMo, and to enact in lieu thereof two new sections relating to the Missouri rural economic stimulus authority.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 1155** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 1155** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler--33			
NAYS--Senators--None			
Absent--Senator Yeckel--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 901, with **SCS**, introduced by Senator Goode, entitled:

An Act to repeal sections 319.125, 319.127, 319.139, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof four new sections relating to underground storage tanks.

Was called from the Consent Calendar and taken up.

SCS for **SB 901**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 901

An Act to repeal sections 260.370, 319.109, 319.125, 319.127, 319.139, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof ten new sections relating to environmental control.

Was taken up.

Senator Goode moved that **SCS** for **SB 901** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 901** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1091, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to state aid to community colleges.

Was called from the Consent Calendar and taken up.

SCS for **SB 1091**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1091

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to state aid to community colleges.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1091** be adopted.

At the request of Senator Klindt, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1081**, with **SCS**, **SS** for **SCS** and **SA 8** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 8 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.306, Page 12, Line 7, by inserting at the end of said line the following: "**A written notice of claim and any written response by a contractor shall not be admissible as a prior inconsistent statement.**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Jacob offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.303, Page 5, Lines 26 to 28, by deleting said lines and inserting in lieu thereof the following:

"3. (1) Nothing in sections 431.300 to 431.315 shall preclude or bar any action if notice is not given to the homeowner or association as required by this section or the contractor does not otherwise comply with the provisions of 431.300 to 431.315.

(2) If notice is not given to the homeowner or association as required by this section, such party may immediately file an action in circuit court without further delay. If the homeowner or association files such an action in circuit court, the homeowner or association shall attach as an exhibit to any initial pleading a copy of the contract for sale, construction, or substantial remodel of a residence as evidence that notice was not given as required by this section.

(3) If the homeowner or association asserts that the contractor has failed to comply with any provision of sections 431.300 to 431.315 other than this section, such party may, by motion to the mediator, ask the mediator to certify the same by signed affidavit. The party filing an action in circuit court, whether by claim, counterclaim, or cross claim, shall attach to any pleading asserting a claim, counterclaim or cross claim an affidavit from the mediator stating either that mediation has occurred and not resolved the dispute or that the contractor has not complied with sections 431.300 to 431.315."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Jacob offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 6, Section 431.306, Line 19, by inserting after the word "**defect**" the following: "**within a specified time frame**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 7, Section 431.306, Lines 9-10, by striking the words "**for the defect described in the notice of claim**"; and

Further amending same page, same section, lines 28-29, by striking the words "**described in the notice of claim**"; and

Further amending page 8, same section, line 16, by striking the words "**set forth in the notice of claim**"; and

Further amending page 9, same section, line 23, by striking the words "**for the claim described in the notice of claim**"; and

Further amending page 10, same section, line 8, by striking the words "**described in the notice of claim**"; and

Further amending page 10, same section, line 16, by striking the words "**for the claim described in the notice of claim**"; and

Further amending page 11, same section, line 3, by striking the words "**set forth in the notice of claim**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Section 431.300, Page 1, Line 12, by inserting at the end of said line the following: "**or any civil lawsuit, action, or arbitration proceeding, in contract or tort, or otherwise, for damages or indemnity, brought by petition, complaint, counterclaim, or cross claim, alleging any action on account or breach of a covenant or promise to pay money.**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SS** for **SCS** for **SB 1081**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SB 1081**, as amended, was declared perfected and ordered printed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 739**, as amended: Senators Klindt, Steelman, Cauthorn, Kennedy and Caskey.

REFERRALS

President Pro Tem Kinder referred **SCR 44** and **HCR 12** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 45--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SB 1247**, with **SCS** and **SS** for **SS** for **SCS** for **SB 1371**, to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Pages 725-727 of the Senate Journal for Monday, March 29, 2004 to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 904--Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1192**--Agriculture, Conser-vation, Parks and Natural Resources.

HS for **HCS** for **HB 1566**--Governmental Accountability and Fiscal Oversight.

HB 1317--Transportation.

HB 996--Transportation.

HB 1187--Economic Development, Tourism and Local Government.

HB 1188--Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 985**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1136**--Aging, Families, Mental and Public Health.

HCS for **HB 1288**--Commerce and the Environment.

HCS for **HB 1347**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1456**--Economic Development, Tourism and Local Government.

On motion of Senator Gibbons the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1630, regarding Karsen McConnell Castellow, Newport News,

Virginia, which was adopted.

Senator Dougherty offered Senate Resolution No. 1631, regarding Kathrine Emma Castellow, Newport News, Virginia, which was adopted.

Senator Champion offered Senate Resolution No. 1632, regarding Dr. Robert H. Spence, Springfield, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 1220**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1220**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1220

An Act to repeal sections 49.082, 50.334, 50.343, 51.281, 52.269, 53.082, 54.261, 54.320, 55.091, 56.265, 57.317, and 58.095, RSMo, and to enact in lieu thereof thirteen new sections relating to maximum allowable compensation for certain county officials.

Was taken up.

Senator Nodler assumed the Chair.

Senator Caskey moved that **SCS** for **SB 1220** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1220, Page 16, Section 56.265, Line 7, by striking "an associate" and inserting in lieu thereof the following: "**a**".

Senator Shields moved that the above amendment be adopted, which motion failed.

Senator Caskey moved that **SCS** for **SB 1220**, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 1220** was declared perfected and ordered printed.

Senator Dolan moved that **SB 1233**, **SB 840** and **SB 1043**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1233, 840** and **1043**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1233, 840 and 1043

An Act to repeal sections 21.795, 301.010, 301.041, 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.227, 301.280, 301.463, 301.2999, 301.3098, 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.155, 304.157, 390.136, 390.340, 577.054, 577.080, and 622.095, RSMo, and to enact in lieu thereof sixty-one new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Dolan moved that **SCS** for **SBs 1233, 840 and 1043** be adopted.

Senator Dolan offered **SS** for **SCS** for **SBs 1233, 840 and 1043**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1233, 840, and 1043

An Act to repeal sections 21.795, 301.010, 301.020, 301.025, 301.041, 301.055, 301.057, 301.058, 301.129, 301.130, 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221, 301.227, 301.280, 301.463, 301.2999, 301.3098, 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, 304.155, 304.157, 390.136, 390.340, 577.054, 577.080, 622.095, and 622.618, RSMo, and to enact in lieu thereof sixty-nine new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Senator Dolan moved that **SS** for **SCS** for **SBs 1233, 840 and 1043** be adopted.

Senator Gross assumed the Chair.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 11, Section 301.010, Line 29, of said page, by striking the comma "," and inserting in lieu thereof the following: ":

(a)"; and

Further amend said bill and section, Page 12, Line 4, by inserting after all of said line the following:

"(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;"; and

Further amend said bill and section, Page 13, Line 20 of said page, by striking the following: "twenty-five" and inserting in lieu thereof the following: **"fifty"**; and

Further amend said bill, Page 40, Section 301.058, Line 23 of said page, by inserting after all of said line the following:

"301.069. A driveway license plate may not be used on a vehicle used or operated on a highway except for the purpose of transporting vehicles in transit. Driveway license plates may not be used by tow truck operators transporting wrecked, disabled, abandoned, improperly parked, or burned vehicles. For each driveway license there shall be paid an annual license fee of forty-four dollars and fifty cents for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. Applicants may choose to obtain biennial driveway licenses. The fee for biennial driveway licenses shall be eighty-nine dollars. For single trips

the fee shall be four dollars, and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations."; and

Further amend said bill, Page 170, Section 304.157, Line 28 of said page, by inserting after all of said line the following:

"390.020. As used in this chapter, unless the context clearly requires otherwise, the words and terms mean:

- (1) "Agricultural commodities in bulk", commodities conforming to the meaning of "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural or forest products or any other products which are grown or produced on a farm or in a forest, and which have not undergone processing at any time since movement from the farm or forest, or processed or unprocessed grain, feed, feed ingredients, or forest products;
- (2) "Certificate", a written document authorizing a common carrier to engage in intrastate commerce and issued under the provisions of this chapter;
- (3) "Charter service", the transportation of a group of persons who, pursuant to a common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group from a point of origin to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartering group after having left the place of origin;
- (4) "Commercial zone", unless otherwise increased pursuant to the provisions of subdivision (4) of section 390.041, any municipality within this state together with that territory either within or without the state of Missouri, extending one mile beyond the corporate limits of such municipality and one additional mile for each fifty thousand inhabitants or portion thereof; however, any commercial zone of a city not within a county shall extend eighteen miles beyond that city's corporate limits and shall also extend throughout any first class charter county which adjoins that zone;
- (5) "Commodities in bulk", commodities, which are fungible, flowable, capable of being poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are weighed or measured by volume and which conform to the shape of the vehicle transporting them;
- (6) "Common carrier", any person which holds itself out to the general public to engage in the transportation by motor vehicle of passengers or property for hire or compensation upon the public highways and airlines engaged in intrastate commerce;
- (7) "Contract carrier", any person under individual contracts or agreements which engage in transportation by motor vehicles of passenger or property for hire or compensation upon the public highways;
- (8) "Corporate family", a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent interest;
- (9) "Division", the division of motor carrier and railroad safety of the department of economic development;
- (10) "Driveaway operator"[,:
 - (a) Any motor carrier who moves any commercial motor vehicle or assembled automobile singly under its own power or in any other combination of two or more vehicles under the power of one of said vehicles upon any public highway for the purpose of delivery for sale or for delivery either before or after sale;
 - (b) **A person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or**
 - (c) **A person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales**

agent of a manufacturer or to any consignee designated by the shipper or consignor;

(11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by tipping or opening the body in such a manner that the load is ejected or dumped by gravity but does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of an auger, conveyor belt, air pressure, pump or other mechanical means;

(12) "Household goods", personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; new or used furniture; store or office furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and articles, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods;

(13) "Interstate commerce", commerce between a point in this state and a point outside this state, or between points outside this state when such commerce moves through this state whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by any other regulated means of transportation where the commodity does not come to rest or change its identity during the movement;

(14) "Intrastate commerce", commerce moving wholly between points within this state, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by any other means of transportation;

(15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle when not restricted to any specific route or routes within the area the motor carrier is authorized to serve;

(16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being transported on the motor vehicle at one time;

(17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and any other transportable building unit designed to be used for residential, commercial, industrial or recreational purposes, including special equipment, wheels, tires, axles, springs, racks, undercarriages and undersupports used or useful in connection with the transportation of mobile homes when transported as part of the transportation of mobile homes;

(18) "Motor carrier", any person engaged in the transportation of property or passengers, or both, for compensation or hire, over the public roads of this state by motor vehicle. The term includes both common and contract carriers;

(19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus or any self-propelled vehicle used upon the highways of the state in the transportation of property or passengers;

(20) "Party", any person admitted as a party to a division proceeding or seeking and entitled as a matter of right to admission to a division proceeding;

(21) "Permit", a permit issued under the provisions of this chapter to a contract carrier to engage in intrastate or interstate commerce or to a common carrier to engage in interstate commerce;

(22) "Person", any individual or other legal entity, whether such entity is a proprietorship, partnership, corporation, company, association or joint-stock association, including the partners, officers, employees, and agents of the person, as well as any trustees, assignees, receivers, or personal representatives of the person;

(23) "Private carrier", any person engaged in the transportation of property or passengers by motor vehicle upon public highways, but not as a common or contract carrier by motor vehicle; and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of his commercial enterprises;

(24) "Public highway", every public street, road, highway or thoroughfare of any kind used by the public, whether actually dedicated to the public;

(25) "Regular route", a specific and determined course to be traveled by a motor carrier's vehicle rendering service to,

from or between various points or localities in this state;

(26) "School bus", any motor vehicle while being used solely to transport students to or from school or to transport students to or from any place for educational purposes or school purposes;

(27) "Taxicab", any motor vehicle performing a bona fide for hire taxicab service having a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular route or between fixed termini;

(28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one consignee for delivery at the direction of the consignor or consignee with the lot or lots being the only lot or lots transported on the motor vehicle at any one time."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 112, Section 301.3144, Line 20, by inserting after all of said line the following:

"301.3146. 1. Any member of the search and rescue council of Missouri, after an annual payment of an emblem-use authorization fee to the search and rescue council of Missouri, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The search and rescue council of Missouri hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the search and rescue council of Missouri derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the search and rescue council of Missouri. Any member of the search and rescue council of Missouri may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the search and rescue council of Missouri, the search and rescue council of Missouri shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the search and rescue council of Missouri and the words "SEARCH AND RESCUE" in place of the words "SHOW-ME-STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with the search and rescue council of Missouri emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the search and rescue council of Missouri emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Callahan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 21.795, Line 18, of said page, by inserting after all of said line the following:

"137.298. **1.** Other provisions of law to the contrary notwithstanding, any city may by ordinance include as a charge on bills issued for personal property taxes any outstanding parking violations issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city. No personal property tax bill shall be considered paid unless all charges for parking violations are also paid in full and the collector of revenue shall not issue a paid personal property receipt until all such charges are paid.

2. Other provisions of law to the contrary notwithstanding, any home rule city with more than four hundred thousand inhabitants and located in more than one county may by ordinance include as a charge on bills issued for personal property taxes any outstanding vehicle-related fees and fines, including traffic and parking violations, assessed or issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city or the treasurer ex officio collector. For the purpose of this section, vehicle-related fees and fines shall include, but not necessarily be limited to, traffic violation fines, parking violation fines, towing and vehicle immobilization fees, and any late payment penalties and court costs associated with the adjudication or collection of those fines. No personal property tax bill shall be considered paid unless all charges for parking violations and other vehicle-related fees and fines are also paid in full and the collector of revenue or treasurer ex officio collector shall not issue a paid personal property receipt until all such charges are paid. The collector of revenue or treasurer ex officio collector of the city or county shall remit to the appropriate political subdivision all fees and fines, including traffic and parking violations collected less two percent for administrative costs."; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 32, Section 301.025, Line 9, of said page, by inserting immediately after the word "county" the following: "**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**"; and further amend Line 13 of said page, by immediately inserting after the word "county" the following: "**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**"; and further Line 15 of said page, by immediately inserting after the word "county" the following: "**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**" and further amend Line 25 of said page, by immediately inserting after the word "county" the following "**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**"; and further Line 26 of said page, by inserting immediately after the word "county" the following: "**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**"; and

Further amend said bill, section, Page 33, Line 7 of said page, by immediately inserting after the word "county" the following: "**or any home rule city with more than four hundred thousand inhabitants and located in more than one county**"; and further amend Line 26 of said page, by immediately inserting after the word "county" the following:

"or any home rule city with more than four hundred thousand inhabitants and located in more than one county".

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 170, Section 304.157, Line 28, of said page, by inserting after all of said line the following:

"304.580. 1. As used in this section, the term "construction zone" or "work zone" means any area upon or around any highway as defined in section 302.010, RSMo, which is visibly marked by the department of transportation or a contractor performing work for the department of transportation as an area where construction, maintenance, or other work is temporarily occurring. The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.

2. Upon [a] **the first** conviction or [a] plea of guilty by any person for a moving violation as defined in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the offense occurred within a construction zone or a work zone. **A second or subsequent violation of this subsection shall result in the court assessing a fine of one hundred dollars in addition to any other fine authorized to be imposed by law.**

3. Upon [a] **the first** conviction or plea of guilty by any person for a speeding violation pursuant to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine authorized by law, if the offense occurred within a construction zone or a work zone and at the time the speeding or passing violation occurred there was any person in such zone who was there to perform duties related to the reason for which the area was designated a construction zone or work zone. **A second or subsequent violation of this subsection shall result in the court assessing a fine of three hundred dollars in addition to any other fine authorized by law.** However, no person assessed an additional fine pursuant to this subsection shall also be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to subsection 4 of this section.

4. The penalty authorized by subsection 3 of this section shall only be assessed by the court if the department of transportation or contractor performing work for the department of transportation has erected signs upon or around a construction or work zone which are clearly visible from the highway and which state substantially the following message: "Warning: \$250 fine for speeding or passing in this work zone".

5. During any day in which no person is present in a construction zone or work zone established pursuant to subsection 3 of this section to perform duties related to the purpose of the zone, the sign warning of additional penalties shall not be visible to motorists. During any period of two hours or more in which no person is present in such zone on a day in which persons have been or will be present to perform duties related to the reason for which the area was designated as a construction zone or work zone, the sign warning of additional penalties shall not be visible to motorists. The department of transportation or contractor performing work for the department of transportation shall be responsible for compliance with provisions of this subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary for public safety in the construction or work zone being visible to motorists at all times.

6. The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the department of transportation or a contractor performing work for the department of transportation. Violation of this subsection is a class C misdemeanor.

7. This section shall not be construed to enhance the assessment of court costs or the assessment of points pursuant to section 302.302, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate

Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 166, Section 304.155, Line 2, of said page, by inserting after all of said line the following:

"304.156. 1. Within five working days of receipt of the crime inquiry and inspection report under section 304.155 or the abandoned property report under section 304.157, the director of revenue shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the abandoned property was registered or titled in another state, to determine the name and address of the owner and lienholder, if any. After ascertaining the name and address of the owner and lienholder, if any, the department shall, within fifteen working days, notify the towing company. Any towing company which comes into possession of abandoned property pursuant to section 304.155 or 304.157 and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the department of revenue or of a corresponding agency in any other state. The towing company shall notify the owner and any lienholder within ten business days of the date of mailing indicated on the notice sent by the department of revenue, by certified mail, return receipt requested. The notice shall contain the following:

- (1) The name, address and telephone number of the storage facility;
- (2) The date, reason and place from which the abandoned property was removed;
- (3) A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
- (4) A statement that the storage firm claims a possessory lien for all such charges;
- (5) A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
- (6) A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this section to contest the propriety of such towing or removal;
- (7) A statement that if the abandoned property remains unclaimed for thirty days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
- (8) A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

2. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of sections 304.155 to 304.158.

3. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the department shall notify the towing company which shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed that no ownership documents were found and a good faith effort has been made. For purposes of this section, "good faith effort" means that the following checks have been performed by the company to establish the prior state of registration and title:

(1) Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a state of possible registration and title;

(2) Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;

(3) Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

(4) If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.

4. If no ownership information is discovered, the director of revenue shall be notified in writing and title obtained in accordance with subsection 7 of this section.

5. (1) The owner of the abandoned property removed pursuant to the provisions of section 304.155 or 304.157 or any person claiming a lien, other than the towing company, within ten days after the receipt of notification from the towing company pursuant to subsection 1 of this section may file a petition in the associate circuit court in the county where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The director of revenue shall not be a party to such petition but a copy of the petition shall be served on the director of revenue who shall not issue title to such abandoned property pursuant to this section until the petition is finally decided.

(2) Upon filing of a petition in the associate circuit court, the owner or lienholder may have the abandoned property released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event he does not prevail. Upon the posting of the bond and the payment of the applicable fees, the court shall issue an order notifying the towing company of the posting of the bond and directing the towing company to release the abandoned property. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the towing company reciting any claims for loss or damage to the abandoned property or the contents thereof.

(3) Upon determining the respective rights of the parties, the final order of the court shall provide for immediate payment in full of recovery, towing, and storage fees by the abandoned property owner or lienholder or the owner, lessee, or agent thereof of the real property from which the abandoned property was removed.

6. A towing and storage lien shall be enforced as provided in subsection 7 of this section.

7. Thirty days after the notification form has been mailed to the abandoned property owner and holder of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in subsection 5 of this section, the lienholder in possession may apply to the director of revenue for a

certificate. The application for title shall be accompanied by:

(1) An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty days and the owner of the abandoned property or holder of a security agreement has not made arrangements for payment of towing and storage charges;

(2) An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in this section;

(3) A copy of the abandoned property report or crime inquiry and inspection report;

(4) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and lienholder of record was sent a notice as required in this section; and

(5) A copy of the envelope or mailing container showing the address and postal markings indicating that the notice was "not forwardable" or "address unknown".

8. If notice to the owner and holder of a security agreement has been returned marked "not forwardable" or "addressee unknown", the lienholder in possession shall comply with subsection 3 of this section.

9. Any municipality or county may adopt an ordinance regulating the removal and sale of abandoned property provided such ordinance is consistent with sections 304.155 to 304.158, **and, for a home rule city with more than four hundred thousand inhabitants and located in more than one county, includes the following provisions:**

(1) That the department of revenue records must be searched to determine the registered owner or lienholder of the abandoned property;

(2) That if a registered owner or lienholder is disclosed in the records, that the owner and lienholder or owner or lienholder are mailed a notice, by U.S. mail, advising of the towing and impoundment;

(3) That if the vehicle is older than six years and more than fifty percent damaged by collision, fire, or decay, and is valued at less than two hundred dollars, it must be held no less than ten days before being sold to a licensed salvage or scrap business;

(4) That all other vehicles must be held no less than thirty days before they may be sold.

10. Any municipality or county which has physical possession of the abandoned property and which sells abandoned property in accordance with a local ordinance may transfer ownership by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the official municipal or county seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of section 301.218, RSMo, or section 301.560, RSMo, or for any other person. Any dealer or other person purchasing such property from a municipality or county shall apply within thirty days of purchase for a certificate. Anyone convicted of a violation of this section shall be guilty of an infraction.

11. Any persons who have towed abandoned property prior to August 28, 1996, may, until January 1, 2000, apply to the department of revenue for a certificate. The application shall be accompanied by:

(1) A notarized affidavit explaining the circumstances by which the abandoned property came into their possession, including the name of the owner or possessor of real property from which the abandoned property was removed;

(2) The date of the removal;

(3) The current location of the abandoned property;

(4) An inspection of the abandoned property as prescribed by the director; and

(5) A copy of the thirty-day notice given by certified mail to any owner and person holding a valid security interest of record and a copy of the certified mail receipt.

12. If the director is satisfied with the genuineness of the application and supporting documents submitted pursuant to this section, the director shall issue one of the following:

(1) An original certificate of title if the vehicle owner has obtained a vehicle examination certificate as provided in section 301.190, RSMo, which indicates that the vehicle was not previously in a salvaged condition or rebuilt;

(2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190, RSMo, indicates the vehicle was previously in a salvage condition or rebuilt;

(3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report;

(4) Notwithstanding the provisions of section 301.573, RSMo, to the contrary, if satisfied with the genuineness of the application and supporting documents, the director shall issue an original title to abandoned property previously issued a salvage title as provided in this section, if the vehicle examination certificate as provided in section 301.190, RSMo, does not indicate the abandoned property was previously in a salvage condition or rebuilt.

13. If abandoned property is insured and the insurer of property regards the property as a total loss and the insurer satisfies a claim by the owner for the property, then the insurer or lienholder shall claim and remove the property from the storage facility or make arrangements to transfer the title, and such transfer of title subject to agreement shall be in complete satisfaction of all claims for towing and storage, to the towing company or storage facility. The owner of the abandoned vehicle, lienholder or insurer, to the extent the vehicle owner's insurance policy covers towing and storage charges, shall pay reasonable fees assessed by the towing company and storage facility. The property shall be claimed and removed or title transferred to the towing company or storage facility within thirty days of the date that the insurer paid a claim for the total loss of the property or is notified as to the location of the abandoned property, whichever is the later event. Upon request, the insurer of the property shall supply the towing company and storage facility with the name, address and phone number of the insurance company and of the insured and with a statement regarding which party is responsible for the payment of towing and storage charges under the insurance policy."; and

Further amend the title and enacting clause

accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 157, Section 302.760, Line 10, by inserting immediately after said line the following:

"304.031. 1. As used in this section, "Traffic Signal Preemption System (TSPS)" shall mean a traffic-control system designated for use by emergency vehicles, as defined in section 304.031, to improve traffic movement by temporarily controlling signalized intersections.

2. The owner of a traffic control signal may authorize use of a TSPS by the following persons for the following purposes:

(1) An authorized operator in an authorized emergency vehicle, in order to improve the safety and efficiency of emergency response operations;

(2) An authorized operator in a bus, in order to interrupt the cycle of the traffic control signal in such a way as to keep the green light showing for longer than it otherwise would;

(3) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate traffic signal maintenance activities.

3. A TSPS used by an authorized person in an emergency vehicle shall preempt and override a device operated by any other person.

4. A traffic control signal operating device used as authorized under this section must operate in such a way that the device does not continue to control the signal once the vehicle containing the device has arrived at the intersection, regardless of whether the vehicle remains at the intersection.

5. It shall be unlawful for any person not approved herein to use a TSPS to control traffic.

6. Violation of this section shall be deemed a class B misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 84, Section 301.2999, Line 7, by inserting immediately after said line the following:

"301.3079. 1. Any person, after an annual payment of an emblem-use authorization fee to the Missouri Farm Bureau, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Missouri Farm Bureau hereby authorizes the use of the Missouri "Agriculture in the Classroom" official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. All monies received by the Missouri Farm Bureau pursuant to this section shall be used solely to fund Missouri's Agriculture in the Classroom program and to further the mission of such program. Any person may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Missouri Farm Bureau, the Missouri Farm Bureau shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the Missouri Agriculture in the Classroom program and the words "AG IN THE CLASSROOM" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner who was previously issued a plate with an emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear such emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 301.010, Line 25-26, of said page, by striking the following: "six hundred" and inserting in lieu thereof the following: **"one thousand"**; and further amend line 28 of said page, by inserting after "operator" the following: **"or with a seat designed to carry more than one person"**; and

Further amend said bill, Page 157, Section 302.760, Line 10 of said page, by inserting after all of said line the following:

"304.013. 1. No person shall operate an all-terrain vehicle, as defined in section 301.010, RSMo, upon the highways of this state, except as follows:

- (1) All-terrain vehicles owned and operated by a governmental entity for official use;
- (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
- (3) All-terrain vehicles operated by handicapped persons for short distances occasionally only on the state's secondary roads when operated between the hours of sunrise and sunset;
- (4) Governing bodies of cities may issue special permits to licensed drivers for special uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be collected and retained by cities for such permits;
- (5) Governing bodies of counties may issue special permits to licensed drivers for special uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be collected and retained by the counties for such permits.

2. No person shall operate an off-road vehicle within any stream or river in this state, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions or department of conservation agents or department of natural resources park rangers shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

3. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this section, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

4. No persons shall operate an all-terrain vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) While under the influence of alcohol or any controlled substance;

(3) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. **The provisions of this subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one person.**

6. A violation of this section shall be a class C misdemeanor. In addition to other legal remedies, the attorney general or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief to prevent such violation or future violations and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 170, Section 304.157, Line 28, by inserting immediately after said line the following:

"307.100. 1. Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in section 304.022, RSMo, [and] on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship, **and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers**, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

2. Notwithstanding the provisions of section 307.120, violation of this section is an infraction."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 157, Section 302.760, Line 10, by inserting immediately thereafter the following:

"304.029. 1. Notwithstanding any other law to the contrary, a low-speed vehicle may be operated upon a highway in the state if it meets the requirements of this section. Every person operating a low-speed vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations in this section and except as to those provisions which by their nature can have no application.

2. The operator of a low-speed vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A low-speed vehicle shall not be operated on a street or a highway with a posted speed limit greater than thirty-five miles per hour. The provisions of this subsection shall not prohibit a low-speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five miles per hour.

3. A low-speed vehicle shall be exempt from the requirements of sections 307.350 to 307.402, RSMo, for purposes of titling and registration. Low-speed vehicles shall comply with the standards in 49 C.F.R. 571.500, as amended.

4. Every operator of a low-speed vehicle shall maintain financial responsibility on such low-speed vehicle as required by chapter 303, RSMo, if the low-speed vehicle is to be operated upon the highways of this state.

5. Each person operating a low-speed vehicle on a highway in this state shall possess a valid driver's license issued pursuant to chapter 302, RSMo.

6. For purposes of this section a "low-speed vehicle" shall have the meaning ascribed to it in 49 C.F.R., section 571.3, as amended.

7. All low-speed vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 C.F.R. 571.500, as amended.

8. Nothing in this section shall prevent county or municipal governments from adopting more stringent local ordinances governing low-speed vehicle operation if the governing body of the county or municipality determines that such ordinances are necessary in the interest of public safety. The department of transportation may prohibit the operation of low-speed vehicles on any highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 173, Section 390.136, Line 13, of said page, by inserting after all of said line the following:

"407.1200. As used in sections 407.1200 to 407.1227, the following terms shall mean:

(1) "Administrator", the person who is responsible for the administration of the service contracts or the service contracts plan and who is responsible for any filings required by sections 407.1200 to 407.1227;

(2) "Consumer", a natural person who buys other than for purposes of resale any motor vehicle that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes;

(3) "Director", the director of the department of insurance;

(4) "Maintenance agreement", a contract of limited duration that provides for scheduled maintenance only;

(5) "Manufacturer", a person that:

(a) Manufacturers or produces the property and sells the property under its own name or label;

(b) Is a wholly owned subsidiary of the person who manufacturers or produces the property;

(c) Is a corporation which owns one hundred percent of the person who manufacturers or produces the property;

(d) Does not manufacture or produce the property, but the property is sold under its trade name label;

(e) Manufacturers or produces the property and the property is sold under the trade name or label of another person; or

(f) Does not manufacture or produce the property but, pursuant to a written contract, licenses the use of its trade name or label to another person that sells the property under the licensor's trade name or label;

(6) "Mechanical breakdown insurance", a policy, contract, or agreement issued by an authorized insurer that provides for the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or service, for the operational or structural failure of a motor vehicle due to a defect in materials or workmanship;

(7) "Motor vehicle extended service contract" or "service contract", a contract or agreement for a separately stated consideration or for a specific duration to perform the repair, replacement, or maintenance of a motor vehicle or indemnification for repair, replacement, or maintenance, for the operational or structural failure due to a defect in materials, workmanship, or normal wear and tear, with or without additional provision for incidental payment of indemnity under limited circumstances, including, but not limited to, towing, rental, and emergency road service, but does not include mechanical breakdown insurance or maintenance agreements;

(8) "Non-original manufacturer's parts", replacement parts not made for or by the original manufacturer of the property, commonly referred to as "after market parts";

(9) "Person", an individual, partnership, corporation, incorporated or unincorporated association, joint stock company, reciprocal, syndicate, or any similar entity or combination of entities acting in concert;

(10) "Premium", the consideration paid to an insurer for a reimbursement insurance policy;

(11) "Provider", a person who administers, issues, makes, provides, sells, or offers to sell a motor vehicle extended service contract, or who is contractually obligated to provide service under a motor vehicle extended service contract such as sellers, administrators, and other intermediaries;

(12) "Provider fee", the consideration paid for a service contract in excess of the premium;

(13) "Reimbursement insurance policy", a policy of insurance issued to a provider and pursuant to which the insurer agrees, for the benefit of the service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the service contracts in the event of non-performance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a service contract;

(14) "Service contract holder" or "contract holder", a person who is the purchaser or holder of a services contract;

(15) "Warranty", a warranty made solely by the manufacturer, importer, or seller of property or services

without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

407.1203. 1. Service contracts shall not be issued, sold, or offered for sale in this state unless the administrator or its designee has:

- (1) Provided a receipt for the purchase of the service contract to the contract holder at the date of purchase;**
- (2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and**
- (3) Complied with the provisions of sections 407.1200 to 407.1227.**

2. All administrators of service contracts sold in this state shall file a registration with the director on a form, at a fee and at a frequency prescribed by the director.

3. In order to assure the faithful performance of a provider's obligations to its contract holders, each provider who is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer authorized to transact insurance in this state; or

(2) (a) Maintain a funded reserve account for its obligation under its contracts issued and outstanding in this state. The reserves shall not be less than forty percent of gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the director; and

(b) Place in trust with the director a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

- a. A surety bond issued by an authorized surety;**
- b. Securities of the type eligible for deposit by authorized insurers in this state;**
- c. Cash;**
- d. A letter of credit issued by a qualified financial institution; or**
- e. Another form of security prescribed by regulations issued by the director; or**

(3) (a) Maintain a net worth of one hundred million dollars; and

(b) Upon request, provide the director with a copy of the provider's or, if the provider's financial statements are consolidated with those of its parent company, the provider's parent company's most recent Form 10-K filed with the Securities and Exchange Commission (SEC) within the last calendar year, or if the company does not file with the SEC, a copy of the company's audited financial statements, which shows a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

4. Provider fees collected on service contracts shall not be subject to premium taxes. Premiums for reimbursement insurance policies shall be subject to applicable premium taxes.

5. Except for the registration requirement in subsection 2 of this section, persons marketing, selling, or offering to sell service contracts for providers that comply with sections 407.1200 to 407.1227 are exempt from this state's licensing requirements.

6. Providers complying with the provisions of sections 407.1200 to 407.1227 are not required to comply with other provisions of chapters 374 or 375, or any other provisions governing insurance companies.

407.1206. Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall conspicuously state that, upon failure of the provider to perform under the contract, such as failure to return the unearned provider fee, the insurer that issued the policy shall pay on behalf of the provider any sums the provider is legally obligated to pay or shall provide the service which the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.

407.1209. 1. Service contracts issued, sold, or offered for sale in this state shall be written in clear, understandable language and the entire contract shall be printed or typed in easy to read ten point type or larger and conspicuously disclose the requirements in this section, as applicable.

2. Service contracts insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are guaranteed under a service contract reimbursement insurance policy. If the provider fails to pay or provide service on a claim within sixty days after proof of loss has been filed, the contract holder is entitled to make a claim directly against the insurance company." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the insurer.

3. Service contracts not insured under a reimbursement insurance policy pursuant to subsection 3 of section 407.1203 shall contain a statement in substantially the following form: "Obligations of the provider under this service contract are backed only by the full faith and credit of the provider (insurer) and are not guaranteed under a service contract requirement insurance policy." A claim against the provider shall also include a claim for return of the unearned provider fee. The service contract shall also conspicuously state the name and address of the provider.

4. Service contracts shall identify any administrator, the provider obligated to perform the service under the contract, the service contract seller, and the service contract holder to the extent that the name and address of the service contract holder has been furnished by the service contract holder.

5. Service contracts shall conspicuously state the total purchase price and the terms under which the service contract is sold. The purchase price is not required to be pre-printed on the service contract and may be negotiated at the time of sale with the service contract holder.

6. If prior approval of repair work is required, the service contracts shall conspicuously state the procedure for obtaining prior approval and for making a claim, including a toll-free telephone number for claim service and a procedure for obtaining emergency repairs performed outside of normal business hours.

7. Service contracts shall conspicuously state the existence of any deductible amount.

8. Service contracts shall specify the merchandise and services to be provided and any limitations, exceptions, and exclusions.

9. Service contracts shall state the conditions upon which the use of non-original manufacturer's parts, or substitute service, may be allowed. Conditions stated shall comply with applicable state and federal laws.

10. Service contracts shall state any terms, restrictions, or conditions governing the transferability of the service contract.

11. Service contracts shall state the terms, restrictions, or conditions governing termination of the service contract by the service contract holder. The provider of the service contract shall mail a written notice to the contract holder within fifteen days of the date of termination.

12. Service contracts shall require every provider to permit the service contract holder to return the contract within at least fifteen business days if the service contract is delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract, the contract is void and the provider shall refund to the contract holder the full purchase price of the contract. A ten percent penalty per month shall be added to a refund that is not paid within thirty days of return of the contract to the provider. The applicable free-look time periods on service contracts shall only apply to the original service contract purchaser.

13. Service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.

14. Service contracts shall clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.

407.1212. 1. A provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or any other provider. This section shall not apply to a company that was using any of the prohibited language in its name prior to August 28, 2003. However, a company using the prohibited language in its name shall conspicuously disclose in its service contract the following statement: "This agreement is not an insurance contract."

2. A provider or its representative shall not in its service contracts or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell or advertisement of a service contract.

3. A person, such as a bank, savings and loan association, lending institution, manufacturer or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.

407.1215. 1. An administrator, provider, or other intermediary shall keep accurate accounts, books, and records concerning transactions regulated by sections 407.1200 to 407.1227.

2. An administrator's, provider's, or other intermediary's accounts, books, and records shall include:

(1) Copies of each type of service contract issued;

(2) The name and address of each service contract holder to the extent that the name and address have been furnished by the service contract holder;

(3) A list of the provider locations where service contracts are marketed, sold, or offered for sale; and

(4) Claims files which shall contain at least the dates, amounts, and description of all receipts, claims, and expenditures related to the service contracts.

3. Except as provided in this section, an administrator shall retain all records pertaining to each service contract holder for at least three years after the specified period of coverage has expired.

4. An administrator, provider, or other intermediary may keep all records required pursuant to sections 407.1200 to 407.1227 on a computer disk or other similar technology. If an administrator maintains records in other than hard copy, records shall be accessible from a computer terminal available to the director and be capable of duplication to legible hard copy.

5. An administrator, provider, or other intermediary discontinuing business in this state shall maintain its records until it furnishes the commissioner satisfactory proof that it has discharged all obligations to contract holders in this state.

6. An administrator, provider, or other intermediary shall make all accounts, books, and records concerning transactions regulations pursuant to sections 407.1200 to 407.1227 or other pertinent laws available to the director upon request.

407.1218. As applicable, an insurer that issued a reimbursement insurance policy shall not terminate the policy until a notice of termination, in a form and time frame prescribed by the director, has been mailed or delivered to the director. The termination of a reimbursement insurance policy shall not reduce the issuer's responsibility for service contracts issued by providers prior to the date of the termination.

407.1221. 1. Providers are considered to be the agent of the insurer which issued the reimbursement insurance policy. In cases where a provider is acting as an administrator and enlists other providers, the provider acting as the administrator shall notify the insurer of the existence and identities of the other providers.

2. The provisions of sections 407.1200 to 407.1227 shall not prevent or limit the right of an insurer which issued a reimbursement insurance policy to seek indemnification or subrogation against a provider if the insurer pays or is obligated to pay the service contract holder sums that the provider was obligated to pay pursuant to the provisions of the service contract or under a contractual agreement.

407.1224. 1. The director may conduct investigations or examinations of providers, administrators, insurers, or other persons to enforce the provisions of sections 407.1200 to 407.1227 and protect service contract holders in this state.

2. The director may take action which is necessary or appropriate to enforce the provisions of sections 407.1200 to 407.1227 and the director's regulations and orders, and to protect service contract holders in this state.

3. The director may order a service contract provider to cease and desist from committing violations of sections 407.1200 to 407.1227 or the director's regulations or orders, may issue an order prohibiting a service contract provider from selling or offering for sale service contracts, or may issue an order imposing a civil penalty, or any combination of these, if the provider has violated the provisions of sections 407.1200 to 407.1227 or the director's regulations or orders.

4. A person aggrieved by an order pursuant to this section may request a hearing before the director. The hearing request shall be filed with the director within twenty days of the date the director's order is effective.

5. Pending the hearing and the decision by the director, the director shall suspend the effective date of the order. At the hearing, the burden shall be on the director to show why the order issued pursuant to this section is justified. Such hearing shall be held in accordance with the provisions of chapter 536, RSMo.

6. The director may bring an action in the circuit court of Cole county for an injunction or other appropriate relief to enjoin threatened or existing violations of sections 407.1200 to 407.1227 or of the director's orders or regulations. An action filed pursuant to this section may also seek restitution on behalf of persons aggrieved by a violation of sections 407.1200 to 407.1227 or orders or regulations of the director.

7. A person in violation of sections 407.1200 to 407.1227 or orders or regulation of the director may be assessed a civil penalty not to exceed one thousand dollars per violation.

8. The authority of the director pursuant to this section is in addition to other authority of the director.

407.1225. The director may promulgate rules to effectuate sections 407.1200 to 407.1224. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this

section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

407.1227. 1. The provisions of sections 407.1200 to 407.1224 shall not apply to:

- (1) Warranties;**
- (2) Maintenance agreements;**
- (3) Commercial transactions; and**
- (4) Service contracts sold or offered for sale to persons other than consumers.**

2. Manufacturer's contracts on the manufacturer's products need only comply with the provisions of sections 407.1209, 407.1212, and 407.1224."; and

Further amend said bill, Page 180, Section B, Line 4 of said page, by inserting after all of said line the following:

"Section C. The enactment of sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, of this act shall become effective January 1, 2007."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 21.795, Line 18, by inserting after all of said line the following:

"67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

- (1) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;
- (2) "Airport authority", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;
- (3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;
- (4) "Chief executive", the mayor of the city and the county executive of the county;
- (5) "City", a city not within a county;
- (6) "Commission", the regional taxicab commission created in section 67.1804;
- (7) "County", a county with a charter form of government and with more than one million inhabitants;
- (8) "District", the geographical area encompassed by the regional taxicab commission;

- (9) "Driver", an individual operator of a motor vehicle and may be an employee or independent contractor;
- (10) "Hotel and restaurant industry", the group of enterprises actively engaged in the business of operating lodging and dining facilities for transient guests;
- (11) "Municipality", a city, town, or village which has been incorporated in accordance with the laws of the state of Missouri;
- (12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage engaged in the business of carrying persons for hire on the streets of the district, whether the same is hailed on the streets by a passenger or is operated from a street stand, from a garage on a regular route, or between fixed termini on a schedule, and where no regular or specific route is traveled, passengers are taken to and from such places as they designate, and the charge is made on the basis of distance traveled as indicated by a taximeter;
- (13) "Premium sedan", any motor vehicle engaged in the business of carrying persons for hire on the streets of the district which seats a total of five or less passengers in addition to a driver and which carries in each vehicle a manifest or trip ticket containing the name and pickup address of the passenger or passengers who have arranged for the use of the vehicle, and the charge is a prearranged fixed contract price quoted for transportation between termini selected by the passenger;
- (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans referred to collectively as taxicabs **as well as any motor vehicle used to engage in the principal business of transporting persons to and from various locations within the city or county for hire and any motor vehicle transporting persons to and from airports within the city or county where such transportation is not the primary business of the person providing such transport and the compensation for such transportation is made directly or indirectly;**
- (15) "Taxicab company", the use of one or more taxicabs operated as a business carrying persons for hire;
- (16) "Taximeter", a meter instrument or device attached to an on-call taxicab or airport taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based;
- (17) "Central Repository", **the Missouri state highway patrol criminal records division for compiling and disseminating complete and accurate criminal history records;**
- (18) "Criminal history record information", **information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from sentencing, correctional supervision and release.**

67.1818. The commission shall establish as part of the taxicab code its own internal, administrative procedure for decisions involving the granting, denying, suspending, or revoking of licenses, **or the imposition of administrative penalties not to exceed two hundred dollars, and shall develop a schedule of penalties which shall be available to the public and provided to all owners and operators of taxicabs.** The commission shall study and take into account rate and fee structures as well as the number of existing taxicab licenses within the district in considering new applications for such licenses. The internal procedures set forth in the taxicab code shall allow appeals from license-related decisions to be conducted by independent hearing officers."; and

Further amend said bill, page 179, section 622.095, line 8, of said page, by inserting after all of said line the following:

"Section 1. 1. The commission with the passage of a taxicab code shall request a Missouri criminal record review pursuant to section 43.535, RSMo, for a prospective or current driver from the central repository by furnishing information on forms and in the manner approved by the highway patrol.

2. The prospective or current driver shall submit two sets of fingerprints to the Missouri state highway patrol, Missouri criminal records repository, for the purpose of checking the person's criminal history. The first set of fingerprints shall be used to search the Missouri criminal records repository and the second set shall be

submitted to the Federal Bureau of Investigation to be used for searching the federal criminal history files.

3. The prospective or current driver shall pay the appropriate fee to the state central repository payable to the criminal record system fund and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history record when applying for or renewing a license.

4. Any criminal history information received by the commission pursuant to the provisions of this section shall be used solely for the internal purposes of the commission in determining the suitability of the prospective or current driver. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 10, Section 21.795, Line 18, by inserting immediately thereafter the following:

"67.1808. The regional taxicab commission is empowered to:

(1) Develop and implement plans, policies, and programs to improve the quality of taxicab service within the district;

(2) Cooperate and collaborate with the hotel and restaurant industry to:

(a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and

(b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini and shall have authority to create guidelines for hotel and commercial shuttles;

(3) Cooperate and collaborate with other governmental entities, including the government of the United States, this state, and political subdivisions of this and other states;

(4) Cooperate and collaborate with governmental entities whose boundaries adjoin those of the district to assure that any taxicab or taxicab company neither licensed by the commission nor officed within its boundaries shall nonetheless be subject to those aspects of the taxicab code applicable to taxicabs operating within the district's boundaries;

(5) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of taxicab service within the district;

(6) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;

(7) Execute contracts, sue, and be sued;

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs within the district consistent with existing ordinances, and to provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;

(9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, for the first year after the regional taxicab commission's taxicab code becomes effective, any increase in fees shall not exceed twenty percent of the total fees collected and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the consumer price index; and

(10) Establish accounts with appropriate banking institutions, borrow money, buy, sell, or lease property for the necessary functions of the commission.

(11) Require taxicabs to display special taxicab license plates as provided in Chapter 301 in order to operate within the district. If the commission revokes the taxicab license the commission may confiscate such license plates and return them to the director of revenue pursuant to section 1.3"; and

Further amend said bill, section 622.095, page 179, line 8, by inserting immediately thereafter the following:

"Section 1. 1. Any such person required by the regional taxicab commission pursuant to section 67.1808 to obtain and display a special taxicab license plate shall make application for such license plates on a form prescribed by the director of revenue.

2. Upon application and payment of the same fee as required in section 301.144, in addition to the regular registration fees and documents as required by law the director of revenue shall issue special taxicab license plates that display the word "TAXICAB" in place of the words "SHOW-ME STATE".

3. If the regional taxicab commission revokes the taxicab license authorizing the taxicab to be operated within the district, the licensee or owner shall immediately surrender the special taxicab license plates to the director of revenue and obtain new license plates as otherwise provided by law. If the licensee or owner fails to surrender the special taxicab license plate the regional taxicab commission has the authority to confiscate such plates and return them to the director of revenue.

4. The director of the department of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 84, Section 301.2999, Line 7, of said page, by inserting after all of said line the following:

"301.3074. 1. Any member of the National Association for the Advancement of Colored People, after an annual payment of an emblem-use authorization fee to any branch office of the National Association for the Advancement of Colored People located within Missouri, may receive special license plates for any vehicle the member owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The National Association for the Advancement of

Colored People hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates within the plate area prescribed by the director of revenue and as provided in this section. Any contribution to the National Association for the Advancement of Colored People derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the National Association for the Advancement of Colored People. Any member of the National Association for the Advancement of Colored People may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to any branch office of the National Association for the Advancement of Colored People located within Missouri, the National Association for the Advancement of Colored People shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a fifteen dollar fee in addition to the regular registration fees, and presentation of any documents which may be required by law, the director of revenue shall issue to the vehicle owner a special license plate which shall bear the emblem of the National Association for the Advancement of Colored People and the letters "NAACP" in place of the words SHOW-ME STATE. Such license plates shall be made with fully reflective material with a common color scheme and design of the standard license plate, shall be clearly visible at night, shall have a reflective white background in the area of the plate configuration, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates

pursuant to this section.

3. A vehicle owner who was previously issued a plate with the National Association for the Advancement of Colored People emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the National Association for the Advancement of Colored People emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Days offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 179, Section 622.095, Line 8, by inserting immediately after all of said line the following new section to read as follows:

"Section 1. No motor vehicle driver shall be convicted of any traffic violation if there is evidence that TSPS has been used by a government official to improperly change the sequence of the traffic signals."; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 173, Section 390.126, Line 13, by inserting after all of said line the following:

"577.010. 1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

2. Driving while intoxicated is for the first offense, a class [B] A misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.

577.012. 1. A person commits the crime of "driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with eight-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class [B] A misdemeanor.

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing;

(2) A "persistent offender" is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses[, where such two or more offenses occurred within ten years of the occurrence of the intoxication-related traffic offense for which the person is charged];

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo; and

(3) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class [D] C felony.

4. No court shall suspend the imposition of sentence as to a prior or persistent offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No

persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court.

5. The court shall find the defendant to be a prior offender or persistent offender, if:

- (1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and
- (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender or persistent offender; and
- (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender or persistent offender.

6. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

7. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

8. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

9. The defendant may waive proof of the facts alleged.

10. Nothing in this section shall prevent the use of presentence investigations or commitments.

11. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

12. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

13. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders or persistent offenders.

14. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in a state court shall be treated as a prior conviction."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 17** is out of order as it goes beyond the scope and purpose of the original bill. The point of order was referred to the President Pro Tem.

At the request of Senator Shields, **SA 17** was withdrawn rendering the point of order moot.

Senator Jacob offered **SA 18**, which was read:

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 179, Section 622.095, Line 8, by inserting after the end of said line the following:

"Section 1. Notwithstanding any other provision of law, no person shall be permitted to knowingly transport or possess a concealable firearm in a motor vehicle without first obtaining a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo. A violation of this section shall constitute a class B misdemeanor."

Senator Jacob moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 18** is out of order as it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Goode offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 170, Section 304.157, Line 28, by inserting immediately after said line the following:

"307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any portion of an area designated by the governor as a nonattainment area, as defined in the federal Clean Air Act, as amended, 42 U.S.C.A. Section 7501, and located within the area described in subsection 1 of section 643.305, RSMo, certain motor vehicles shall be tested and approved prior to sale or transfer and biennially thereafter to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. For such biennial testing, any such vehicle manufactured as an even-numbered model year vehicle shall be tested and approved in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be tested and approved in each odd-numbered calendar year. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles **manufactured twenty-six years or more** prior to [1971] **the current model year**;
- (4) School buses;
- (5) Diesel-powered vehicles;
- (6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area;
- (7) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user; and
- (8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial

census who has completed an emission inspection pursuant to section 643.315, RSMo.

Each official inspection station which conducts emissions inspections within the area referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

- (a) With prior inspection and approval as provided in subdivision (2) of this subsection; or
- (b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subsection shall be an unlawful practice as defined in section 407.020, RSMo. No

emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. A fee not to exceed twenty-four dollars may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress." No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit

satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in the area described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor."; and

Further amend said bill, Page 179, Section 622.095, Line 8 of said page, by inserting after all of said line the following:

"643.315. 1. Except as provided in sections

643.300 to 643.355, all motor vehicles which are domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, which may include all motor vehicles owned by residents of a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who have chosen to participate in such a program in lieu of the provisions of section 307.366, RSMo, shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established pursuant to sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall exceed the lesser of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles **manufactured twenty-six years or more** prior to [1971] **the current model year**;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal;

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user; and

(7) Historic motor vehicles registered pursuant to section 301.131, RSMo.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established pursuant to sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A

violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 158, Section 304.154, Line 19, of said page, by striking the word "commercial" and inserting in lieu thereof the following: "**business**"; and

Further amend said bill and section, Page 159, Line 1 of said page, by striking the following: "one million" and inserting in lieu thereof the following: "**five hundred thousand**"; and further amend Line 8 of said page, by striking the following: "Municipalities and"; and further amend Line 10 of said page, by inserting at the end of said line the following: "**Counties of the second, third, and fourth classification are exempt from the provisions of this section.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Pages 2-10, Section 21.795, Line 7, by striking all of said section, and further amend said bill, pages 112-118, sections 301.3150, 301.3152, 301.3154 by striking all of aforementioned sections; and

Further amend said bill, page 84, section 301.2999, line 1, by striking such bracket, and further amend said bill, page,

section, line 2, by inserting a "[" after the word "revenue" and further amend said bill, page, section, line 3, by inserting a bracket "]" after the word "plates" and further amend said bill, page, section, line 4, by striking the word "ten" and inserting in lieu thereof the following: "**two hundred**" and by striking the closing bracket "]".

Senator Jacob moved that the above amendment be adopted.

Senator Dolan offered **SA 1** to **SA 21**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 21

Amend Senate Amendment No. 21 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 1, by striking lines 11-13, and insert in lieu thereof the following "bracket, and further amend said bill, page, section, line 2 by inserting after the word 'revenue' the following '**a fee of up to five thousand dollars to defray the cost for issuing, developing and programming the implementation of the specialty plate.** [and further amend."

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

SA 21, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SS for **SS** for **SCS** for **SB 715**, introduced by Senator Childers, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 715

An Act to repeal sections 48.020, 48.030, 49.272, 50.343, 50.550, 50.740, 64.215, 64.825, 67.402, 67.793, 67.799, 67.1706, 67.1754, 89.410, 115.124, 137.720, 190.044, 190.050, 190.051, 190.092, 190.094, 190.100, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246, 190.248, 190.250, 190.300, 190.305, 190.310, 190.335, 190.400, 190.410, 190.420, 190.430, 190.440, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630, 191.631, 221.070, 229.340, 247.040, 250.140, 260.830, 260.831, 304.010, 321.130, 321.180, 321.552, 321.554, 321.556, 393.015, 393.760, 479.020, 488.447, 488.2275, 488.5026, 559.021, 589.400, 650.320, 650.330, 701.304, 701.308, 701.309, 701.311, 701.312, 701.320, 701.336, and 701.342, RSMo, and to enact in lieu thereof one hundred four new sections relating to counties, with penalty provisions, an emergency clause for certain sections, and an expiration date for a certain section.

Was taken up.

On motion of Senator Childers, **SS** for **SS** for **SCS** for **SB 715** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 988**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 988

An Act to repeal sections 260.200, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, and 260.342, RSMo, and to enact in lieu thereof nine new sections relating to scrap tires, with penalty provisions and an emergency clause.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS** for **SB 988** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Jacob	Quick--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Wheeler moved that **SCS** for **SB 1212** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 1212** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Foster moved that **SCS** for **SBs 1085** and **800** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for SBs 1085 and 800 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1215, with SCS, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

Was called from the Consent Calendar and taken up.

SCS for SB 1215, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1215

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

Was taken up.

Senator Griesheimer moved that SCS for SB 1215 be adopted, which motion prevailed.

On motion of Senator Griesheimer, SCS for SB 1215 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields

Steelman
Yeckel--33

Stoll

Vogel

Wheeler

NAYS--Senator Caskey--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 739**, as amended. Representatives: Myers, Sander, Bean, Bringer and Whorton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 798**, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to civil case surcharges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 822**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1246**, entitled:

An Act to repeal sections 331.010, 331.030, and 331.050, RSMo, and to enact in lieu thereof five new sections relating to chiropractors and their keeping of medical records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1422**, entitled:

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dentists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1427**, entitled:

An Act to repeal sections 195.140 and 195.410, RSMo, and to enact in lieu thereof two new sections relating to forfeiture of controlled substances and drug paraphernalia, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1572**, entitled:

An Act to repeal section 37.020, RSMo, and to enact in lieu thereof one new section relating to reciprocity of certification procedures for certain vendors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1622**, entitled:

An Act to repeal section 329.010, RSMo, and to enact in lieu thereof one new section relating to cosmetology.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 928**, entitled:

An Act to repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver's licenses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 970**, entitled:

An Act to repeal sections 332.171, 332.181, 332.261, 332.321, and 332.341, RSMo, and to enact in lieu thereof five new sections relating to dentists and dental hygienists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1123**, entitled:

An Act to repeal section 301.2999, RSMo, and to enact in lieu thereof one new section relating to specialized license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1201**, entitled:

An Act to repeal section 304.156, RSMo, and to enact in lieu thereof one new section relating to disposal of damaged vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1280**, entitled:

An Act to repeal sections 301.041, 390.136, 390.340, 622.095, and 622.618, RSMo, and to enact in lieu thereof three new sections relating to registration of commercial motor vehicles, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1284**, entitled:

An Act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to

salvage motor vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1442**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1449**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1489**, entitled:

An Act to repeal sections 301.010 and 304.013, RSMo, and to enact in lieu thereof two new sections relating to operation of all-terrain vehicles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1508**, entitled:

An Act to repeal section 301.472, RSMo, and to enact in lieu thereof one new section relating to Kansas City Chiefs' license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 1575**, entitled:

An Act to repeal section 416.615, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 414, eighty-eighth general assembly, first regular session, and to reenact section 416.615, RSMo, as enacted by house committee substitute for senate bill no. 374, eighty-seventh general assembly, first regular session, and section 416.640 as repealed by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 414, eighty-eighth general assembly, first regular session, for the sole purpose of the republication of sections 416.615 and 416.640.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1362**, entitled:

An Act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1493**, entitled:

An Act to repeal sections 247.172 and 394.312, RSMo, and to enact in lieu thereof two new sections relating to electric territorial agreements.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1407**, entitled:

An Act to amend chapter 479, RSMo, by adding thereto one new section relating to adjudication of certain municipal code violations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1633, regarding Larry G. Ficken, Knob Noster, which was adopted.

Senator Caskey offered Senate Resolution No. 1634, regarding Troy Burton, Butler, which was adopted.

Senator Caskey offered Senate Resolution No. 1635, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Larry Ross Seelinger, Pleasant Hill, which was adopted.

Senator Stoll offered Senate Resolution No. 1636, regarding Garry Crow, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1637, regarding Theresa Ponzar, Festus, which was adopted.

Senator Yeckel offered Senate Resolution No. 1638, regarding Angel Lynett Robinson, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1639, regarding Kristin Standley, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1640, regarding Julie Rich, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Earl Garrett, Carl Junction; Jenni Sexton, Lisa Keele, Mark Peron, Mica Henry, Annetta St. Clair and Mike Cavener, Joplin; and Vince Himmelsbach and Erin Trout, Neosho; Brendan Walker, Carthage; and Todd Rominger, Asbury.

Senator Kennedy introduced to the Senate, Robert Nemeth and Kenneth Stephens, St. Louis.

Senator Gibbons introduced to the Senate, Jennifer Miller, Kirkwood; and Jacob Herschend, Maryland Heights.

Senator Loudon introduced to the Senate, Dr. Steven Shields and his children, Marissa and Seth, Ballwin; and Marissa and Seth were made honorary pages.

Senator Quick introduced to the Senate, Karen Dolt, her daughter, Tricia Greathouse and her daughters Lexi, Payton and Josie; and Kayla Green, Lawson; and Lexi, Peyton and Kayla were made honorary pages.

Senator Klindt introduced to the Senate, Dereck Raines and Beth Boxley, Princeton.

Senator Vogel introduced to the Senate, Tawn Newton, Sherri Holland and thirty-five fourth grade students from Blair Oaks Elementary School, Wardsville.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Kristin Hahn-Cover, M.D., Columbia.

Senator Dougherty introduced to the Senate, students from Camp Wyman Camp Coca Cola Group, St. Louis.

Senator Loudon introduced to the Senate, his son, John William (Jack) Loudon, Jr., Ballwin; and Gene Grimshaw, Maryland Heights.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIFTH DAY-WEDNESDAY, MARCH 31, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 798

HB 822-Luetkemeyer, et al

HCS for HB 1246

HCS for HB 1422

HB 1427-Portwood

HB 1572-St. Onge, et al

HB 1622-Wasson, et al

HCS for HB 928

HB 970-Portwood, et al

HCS for HB 1123

HCS for HB 1201

HCS for HB 1280

HCS for HB 1284

HB 1442-Lipke, et al

HCS for HB 1449

HB 1489-Barnitz, et al

HB 1508-Baker

HB 1575-Mayer

HB 1362-Hobbs, et al

HB 1493-Emery, et al

HB 1407-Mayer and Villa

THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 1371-Kinder,
et al (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 710-Goode and Bray, with SCS

SBs 738 & 790-Loudon, with SCS

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1269-Yeckel, with SCS

SB 1091-Klindt, with SCS

SB 1323-Shields

SB 941-Coleman, with SCS

SB 1189-Scott, with SCS

SB 1242-Wheeler

SB 847-Bland

SB 1311-Wheeler

SB 1195-Klindt, with SCS

SB 1066-Steelman, with SCS

SB 1265-Bartle, with SCS

SB 1211-Wheeler

SB 1247-Dougherty and Kennedy, with SCS

(In Fiscal Oversight)

SB 983-Quick, with SCS

SB 842-Childers

SB 1320-Kinder

SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1287-Griesheimer, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1285-Wheeler

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,
as amended

SB 739-Klindt, with HCS, as amended

HCS for HB 1014, with SCS, as amended (Russell)

RESOLUTIONS

Reported from Committee

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY--WEDNESDAY, MARCH 31, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Peace is my parting gift to you, my own peace such as the world cannot give. Set your troubled hearts at rest, and banish all your fears." (John 14:27)

Merciful God, we begin this day aware that yet six more American soldiers died, bringing our dead to over six hundred in Iraq alone. We ask that You will comfort the families of the military and the civilians who have died and the many more wounded that they may rest their troubled hearts in You and bless all those who are put in harms way. We pray that we may be instruments of Your peace here and abroad and find ways to put an end to this conflict. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOLR-10 and WXYZ-ABC, Detroit, were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1641, regarding the One Hundredth Birthday of Elnora Walker, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 46

WHEREAS, the several tax return forms of the State of Missouri have steadily grown in length over recent years; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the formation of tax laws that lead in part to expansion of tax returns; and

WHEREAS, the current General Assembly has proposed several "check-off" options for the Missouri tax return that would promote charitable giving; and

WHEREAS, the passage of additional check-off options would require more space on the Missouri tax return than is available:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Tax Returns; and

BE IT FURTHER RESOLVED that the Committee shall be composed of three majority members and two minority members of the Senate, to be appointed by the President Pro Tem of the Senate; three majority members and two minority members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the Missouri tax return, examine any other issues that the committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of tax returns; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Department of Revenue; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2005, and the authority of such Committee shall terminate on December 31, 2004; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Director of Revenue.

THIRD READING OF SENATE BILLS

Senator Yeckel moved that **SB 1269**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 1269** was again taken up.

Senator Bartle assumed the Chair.

Senator Yeckel moved that **SCS** for **SB 1269** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 1269** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick

Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Wheeler--2		
	Absent with leave--Senator Clemens--1		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Klindt moved that **SB 1091**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SB 1091** was again taken up.

Senator Klindt moved that **SCS** for **SB 1091** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1091** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Champion	Dolan	Kennedy--3	
	Absent with leave--Senator Clemens--1		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1323, introduced by Senator Shields, entitled:

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof one new section relating to the joint committee on education.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 1323** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Champion	Jacob	Kennedy
Wheeler--5			
Absent with leave--Senator Clemens--1			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 941, with **SCS**, introduced by Senator Coleman, entitled:

An Act to repeal section 165.301, RSMo, and to enact in lieu thereof one new section relating to selection of depositories in metropolitan school districts.

Was called from the Consent Calendar and taken up.

SCS for **SB 941**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 941

An Act to repeal section 165.301, RSMo, and to enact in lieu thereof one new section relating to selection of depositories in metropolitan school districts.

Was taken up.

Senator Coleman moved that **SCS** for **SB 941** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 941** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman

Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Kennedy--1			
Absent with leave--Senator Clemens--1			

The President declared the bill passed.

On motion of Senator Coleman, title to the bill was agreed to.

Senator Coleman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1242, introduced by Senator Wheeler, entitled:

An Act to repeal sections 169.270, 169.291, 169.295, and 169.322, RSMo, and to enact in lieu thereof four new sections relating to the Kansas City public school retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1242** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Kennedy--1			
Absent with leave--Senator Clemens--1			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 710**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 710**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 710

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle safety, with penalty provisions and an effective date.

Was taken up.

Senator Goode moved that **SCS** for **SB 710** be adopted.

Senator Dolan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 710, Page 2, Section 307.178, Line 17, by inserting immediately after the word "subsection" the following: ", **however, nothing shall prohibit a law enforcement officer from enforcing the provisions of this section if the violation is clearly visible to the officer without stopping the vehicle**"; and further amend line 22, by inserting immediately after the word "law" the following: "**or for a search of the driver, passenger, or vehicle**"; and further amend line 40, by striking the word "ten" and inserting in lieu thereof the following: "**fifteen**".

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 710, Page 1, Section A, Line 3, by inserting after all of said line the following:

"307.020. As used in sections 307.020 to 307.120, [unless the context requires another or different construction] **the following terms mean:**

- (1) "Approved" [means], approved by the director of revenue and when applied to lamps and other illuminating devices means that such lamps and devices must be in good working order;
- (2) "Auxiliary lamp" [means], an additional lighting device on a motor vehicle used primarily to supplement the headlamps in providing general illumination ahead of a vehicle;
- (3) "Headlamp" [means], a major lighting device capable of providing general illumination ahead of a vehicle;
- (4) "Mounting height" [means], the distance from the center of the lamp to the surface on which the vehicle stands;
- (5) "Multiple-beam headlamps" [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use one of two or more distributions of light on the road;
- (6) "Reflector" [means], an approved device designed and used to give an indication by reflected light;
- (7) "Single-beam headlamps" [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use but one distribution of light on the road;
- (8) "Vehicle" [means], every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks;
- (9) "When lighted lamps are required" [means], at any time from a half-hour after sunset to a half-hour before sunrise, **at anytime when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers**, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Caskey offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 710, Page 2, Section 307.020, Line 8, by inserting after "fog,": "intermittent sprinkling, smoke, rain spit, excessive dew,".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1** to **SA 2** was withdrawn.

SA 2 was again taken up.

At the request of Senator Dolan, the above amendment was withdrawn.

Senator Nodler assumed the Chair.

Senator Dolan offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 710, Page 4, Section 307.179, Lines 48-51, by deleting all of subsection 5; and further renumber the remaining subsection accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 710, Page 5, Section 307.179, Line 65, by inserting after said line the following:

"Section 1. Whenever Missouri driving statutes are altered, the Missouri Department of Revenue shall notify all licensed Missouri motorists of said changes before those changes become effective."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 4** was withdrawn.

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 710, Page 5, Section 307.179, Line 65, by inserting after said line the following:

"Section 1. Whenever Missouri driving statutes are altered, the Missouri Department of Revenue shall notify licensed Missouri motorists via public service announcements or other mass communication means of said changes before those changes become effective."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 710, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"307.156. Any person, firm, or corporation which owns or operates a business engaged in whole or in part in servicing motor vehicles and installs or purports to install an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year; or 2) installs an airbag which has previously been installed in another motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving such airbag installation that a used airbag has been installed in it, shall be guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above

amendment be adopted, which motion prevailed.

Senator Bray offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 710, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"300.330. The driver of a motor vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane.

300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian [upon any roadway and shall give warning by sounding the horn when necessary], any person propelling or a passenger on a human powered vehicle, or any person operating or a passenger on a motorcycle, and shall exercise [proper precaution] the highest degree of care upon observing any child or any confused or incapacitated person upon a roadway.

300.411. 1. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle.

2. When passing a pedestrian in or near a roadway, a person operating a vehicle shall exercise the highest degree of care by operating at a safe speed and leaving a safe distance between the vehicle and the pedestrian, and in no event less than three feet, until the vehicle is safely past the pedestrian.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points (except any violation of municipal stop sign ordinance where no accident is

involved 1 point)

(2) Speeding

In violation of a state law 3 points In violation of a county or municipal

ordinance 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo. . . . 12 points In violation of any county or municipal

ordinance. 6 points

(4) **In a marked school zone 4 points**

(5) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal

ordinance 2 points

[5)] (6) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction 2 points

(b) For the second conviction 4 points

(c) For the third conviction 6 points

[(6)] (7) Operating with a suspended or revoked license prior to restoration of operating privileges 12 points

[(7)] (8) Obtaining a license by

misrepresentation 12 points

[(8)] (9) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs 8 points

[(9)] (10) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight 12 points

[(10)] **(11)** For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight In violation of state law 8 points

In violation of a county or municipal ordinance or federal law or regulation 8 points

[(11)] **(12)** Any felony involving the use of a motor vehicle 12 points

[(12)] **(13)** Knowingly permitting unlicensed operator to operate a motor vehicle 4 points

[(13)] **(14)** For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo 4 points

(15) Misdemeanor assault in the third degree involving the use of a motor vehicle 8 points

(16) (a) For a conviction for operation of a vehicle causing injury under subsection 1 of section 304.679, RSMo 4 points

(b) For a conviction for operation of a vehicle causing serious physical injury under sub-section 2 of section 304.679, RSMo 8 points

(c) For a conviction for operation of a vehicle causing death under subsection 3 of section 304.679, RSMo 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, **the National Safety Council's eight-hour "Attitudinal Dynamics of Driving Course"** in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

304.675. 1. The governing body of a county or municipality may establish a maximum speed limit within a school zone not to exceed twenty miles per hour. Such speed limit shall be in force only during those times thirty minutes before, during, and thirty minutes after the periods of time when students are arriving at a regularly scheduled school session and leaving a regularly scheduled school session. As used in this section, the term "school zone" means property on which a school building is located and the sections of street or highway on or adjacent to the school property that are designated by signs indicating that it is a school and showing the posted limit or a section of street or highway where a school crossing is located that is designated by signs indicating that it is a school crossing and showing the posted speed limit. The state highways and transportation commission shall approve a twenty mile per hour speed limit in a school zone on state or federal highways before the same shall become effective.

2. The governing body of a county or municipality may establish a speed limit within a school zone lower than twenty miles per hour if it finds, in conjunction with the school board, that a lower limit is needed to promote public safety, and the governing body of a county or municipality may extend the hours which the school zone speed limit is in force, if it finds, in conjunction with the school board, that extended hours for the school zone speed limit are needed to promote public safety. The establishment of any speed limit within a school zone lower than twenty miles per hour shall be in accordance with sections 304.010, 304.120, and 304.130.

3. The governing body of a county or municipality may provide that fines for any traffic violation within a school zone during the hours when the school zone speed limit is in effect shall be double the usual amount, and may erect signs in school zones indicating that fines are doubled.

304.677. Notwithstanding any other provisions of the law to the contrary, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian, any person propelling or a passenger on a human powered vehicle, or any person operating or a passenger on a motorcycle, and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person.

304.678. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle, and in no event less than three feet, until the motor vehicle is safely past the bicycle.

304.679. 1. A person is guilty of operation of a vehicle causing physical injury when, in the course of operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county or municipal or federal traffic ordinance or regulation, the person's operation of the vehicle causes physical injury to another person.

2. A person is guilty of operation of a vehicle causing serious physical injury when, in the course of operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county or municipal or federal traffic ordinance or regulation, the person's operation of the vehicle causes serious physical injury to another person.

3. A person is guilty of operation of a vehicle causing death when, in the course operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county municipal or federal traffic ordinance or regulation, the person's operation of the vehicle causes the death of another person.

4. For purposes of this section, physical injury and serious physical injury shall be as defined in subdivisions (20) and (28) of section 556.061, RSMo, respectively."; and

Further amend said bill, Page 5, Section 307.179, Line 65, by inserting after all of said line the following:

"307.180. As used in sections 307.180 to 307.193:

(1) The word "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, **or two parallel wheels and one forward or rear wheel, all of which are more that**

fourteen inches in diameter, except scooters and similar devices;

(2) The term "motorized bicycle" shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

307.189. Any provision of section 307.188 to the contrary notwithstanding:

(1) A person operating a bicycle or human-powered vehicle approaching a stop sign shall slow down and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time the person is moving across or within the intersection or junction of highways, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping;

(2) A person operating a bicycle or human-powered vehicle approaching a steady red traffic-control signal shall stop before entering the intersection, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a right-hand turn without stopping.

307.191. Bicycle travel on the shoulder of the roadway shall be permitted except where local regulations or regulations established by the state highways and transportation commission prohibit such shoulder travel. Places where shoulder bicycle travel is prohibited shall be clearly marked with signs. Where bicycle travel on shoulders is permitted, bicycle travel on shoulders shall not be required, except on limited access highways, where bicycle travel may be permitted only on shoulders.

537.038. Every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian, any person propelling or a passenger on a human powered vehicle, or any person operating or a passenger on a motorcycle and thereby causing bodily injury or death to such person.

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if [he] the person:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person or;

(3) In operating a vehicle, recklessly causes the death of another person. For purposes of this subdivision, recklessness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirement of 304.678, or otherwise in an unsafe manner, or in a manner inconsistent with the requirements of local, state, or federal traffic law. The person's prior record of traffic violations and collisions may be used as evidence which may establish a pattern, and thus the person's knowledge of habitual unsafe or illegal vehicle operation and conscious disregard of the substantial and unjustifiable risk of such operation.

2. Involuntary manslaughter in the first degree is a class C felony.

3. A person commits the crime of involuntary manslaughter in the second degree if:

(1) [He] The person acts with criminal negligence to cause the death of any person; or

(2) The person operates a vehicle in a manner that violates local, state, or federal traffic law or regulation, and such violation causes or contributes to the death of any person.

4. Involuntary manslaughter in the second degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree if [he] **the person:**

- (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or
- (2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or
- (3) Recklessly causes serious physical injury to another person; or
- (4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or
- (5) Recklessly causes physical injury to another person by means of discharge of a firearm; **or**
- (6) In operating a vehicle, recklessly causes serious physical injury to another person. For purposes of this subdivision, recklessness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirement of section 304.678 or otherwise in an unsafe manner inconsistent with the requirements of local, state, or federal traffic law. The person's prior record of traffic violations and collisions may be used as evidence which may establish a pattern, and thus the person's knowledge of habitual unsafe or illegal vehicle operation and conscious disregard of the substantial and unjustifiable risk of such operation.**

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. Assault in the second degree is a class C felony.

565.070. 1. A person commits the crime of assault in the third degree if:

- (1) The person attempts to cause or recklessly causes physical injury to another person; or
- (2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or
- (3) The person purposely places another person in apprehension of immediate physical injury; or
- (4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- (5) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
- (6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would consider offensive or provocative; **or**
- (7) In operating a vehicle, the person recklessly causes physical injury to another person; or**
- (8) The person operates a vehicle in a manner that violates local, state, or federal traffic law or regulation, and causes or contributes to the serious physical injury of another person.**

For purposes of subdivision (3) of this subsection, purposefulness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirement of section 304.678, RSMo, that a motorist leave a distance of at least three feet when overtaking a bicycle traveling in the same direction.

For purposes of subdivision (7) of this subsection, recklessness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirements of section 304.678, RSMo, or otherwise in an unsafe manner or in a manner inconsistent with the requirement of local, state, or federal traffic law. The person's prior record of traffic violations and collisions may be used as evidence which may establish a pattern of unsafe or illegal operation and the person's awareness of this pattern, and thus the person's knowledge of habitual unsafe or illegal vehicle operation and conscious disregard of the substantial and unjustifiable risk of such operation.

2. Except as provided in subsections 3 and 4 of this section, assault in the third degree is a class A misdemeanor.

3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members."; and

Further amend said bill, page 5, Section B, line 3, by inserting immediately after said line the following:

"Section C. The enactment of sections 304.675, 304.677, 304.678, 304.679, 307.189, 307.191, and 537.038 and the repeal and reenactment of sections 300.330, 300.410, 302.302, 307.180, 565.024, 565.060, and 565.070 shall become effective on January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Goode offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 710, Pages 2-6, Section 302.302, by striking all of section 302.302 from said bill; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Gross offered **SA 2** to **SA 7**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 710, Pages 7-8, Section 304.679, by striking all of section 304.679; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Loudon offered **SA 3** to **SA 7**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 710, Page 6, Section 304.675, Lines 10-11, by deleting the words "not to exceed" and replacing them with the words "not less than"; and

Further amend said section, lines 23-24, by deleting said lines and replacing them with the following:

"transportation commission may approve a speed limit in a school zone not lower than twenty miles per hour on state or federal highways before".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Goode moved that **SCS** for **SB 710**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 710**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1377**, entitled:

An Act to repeal sections 64.520 and 64.805, RSMo, and to enact in lieu thereof two new sections relating to expenses of county planning commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1321**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to neighborhood improvement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 1081**; and **SCS** for **SB 1220**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Gibbons, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

THIRD READING OF SENATE BILLS

SB 1311, introduced by Senator Wheeler, entitled:

An Act to repeal section 143.081, RSMo, and to enact in lieu thereof one new section relating to credit for income taxes paid to another state or the District of Columbia, with an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1311** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senator Goode-- 1			
Absent--Senators			
Bland	Childers	Dolan	Quick--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1195, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal section 211.393, RSMo, and to enact in lieu thereof one new section relating to juvenile court personnel.

Was called from the Consent Calendar and taken up.

SCS for **SB 1195**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1195

An Act to repeal section 211.393, RSMo, and to enact in lieu thereof one new section relating to juvenile court personnel.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1195** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1195** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1066, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal sections 537.675, 537.678, and 537.684, RSMo, and to enact in lieu thereof three new sections relating to the tort victims' compensation fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 1066**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1066

An Act to repeal sections 537.675, 537.678, and 537.684, RSMo, and to enact in lieu thereof three new sections relating to the tort victims' compensation fund, with an emergency clause for a certain section.

Was taken up.

Senator Steelman moved that **SCS** for **SB 1066** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 1066** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Kinder	Quick--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Quick--2		
	Absent with leave--Senators--None		

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 847, introduced by Senator Bland, entitled:

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to installment payments of property taxes in certain charter counties.

Was called from the Consent Calendar and taken up.

On motion of Senator Bland, **SB 847** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kinder	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Goode	Kennedy	Klindt	Quick--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1265, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review board membership.

Was called from the Consent Calendar and taken up.

SCS for **SB 1265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1265

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review board membership.

Was taken up.

Senator Bartle moved that **SCS** for **SB 1265** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 1265** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Champion	Goode	Klindt--3	

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1211, introduced by Senator Wheeler, entitled:

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to the service of summons in landlord/tenant actions.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1211** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators

Bland Kennedy--2

Absent--Senators

Goode Klindt--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 983, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal sections 301.681, 306.458, and 306.461, RSMo, and to enact in lieu thereof four new sections relating to transfer on death agreements.

Was called from the Consent Calendar and taken up.

SCS for **SB 983**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 983

An Act to repeal sections 301.681, 306.458, and 306.461, RSMo, and to enact in lieu thereof four new sections relating to transfer on death agreements.

Was taken up.

Senator Quick moved that **SCS** for **SB 983** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 983** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Champion	Goode	Jacob	Klindt--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 842, introduced by Senator Childers, entitled:

An Act to repeal section 315.015, RSMo, and to enact in lieu thereof one new section relating to licensing of lodging establishments, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 842** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Dougherty	Goode--2		

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Cauthorn Jacob--2

Absent with leave--Senators--None

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1320, introduced by Senator Kinder, entitled:

An Act to repeal sections 110.070 and 110.080, RSMo, and to enact in lieu thereof two new sections relating to bids for depositaries of public institutions.

Was called from the Consent Calendar and taken up.

On motion of Senator Kinder, **SB 1320** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1322, introduced by Senator Mathewson, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the state capitol.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 1322** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Childers--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 972, with **SCS**, introduced by Senator Stoll, entitled:

An Act to amend chapter 27, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

Was called from the Consent Calendar and taken up.

SCS for **SB 972**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 972

An Act to amend chapter 650, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

Was taken up.

Senator Stoll moved that **SCS** for **SB 972** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 972** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1336, with **SCS**, introduced by Senators Kennedy and Dougherty, entitled:

An Act to amend chapters 41 and 143, RSMo, by adding thereto two new sections relating to the creation of a Missouri military family relief fund.

Was called from the Consent Calendar and taken up by Senator Kennedy.

SCS for **SB 1336**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1336

An Act to amend chapters 41 and 143, RSMo, by adding thereto two new sections relating to the creation of a Missouri military family relief fund.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 1336** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 1336** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll

Vogel	Wheeler	Yeckel--31
	NAYS--Senators--None	
	Absent--Senators	
Champion	Quick	Russell--3
	Absent with leave--Senators--None	

The President declared the bill passed.

On motion of Senator Kennedy, title to the bill was agreed to.

Senator Kennedy moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1287, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

Was called from the Consent Calendar and taken up.

SCS for **SB 1287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1287

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 1287** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1287** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Goode	Mathewson	Quick
Russell--5			
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1365, with **SCS**, introduced by Senator Yeckel, et al, entitled:

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

Was called from the Consent Calendar and taken up by Senator Yeckel.

SCS for **SB 1365**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1365

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 1365** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 1365** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Cauthorn	Coleman	Dolan	Quick--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1285, introduced by Senator Wheeler, entitled:

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to motor vehicle fee offices.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1285** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dolan	Goode	Quick--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 856**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 856**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 856

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation law.

Was taken up.

Senator Loudon moved that **SCS** for **SB 856** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 856**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 856

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation law.

Senator Loudon moved that **SS** for **SCS** for **SB 856** be adopted.

Senator Kinder offered **SS** for **SS** for **SCS** for **SB 856**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 856

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.128, 287.135, 287.140, 287.240, 287.390, 287.420, 287.510, 287.520, 287.560, 287.610, 287.800, and 287.957, RSMo, and to enact in lieu thereof nineteen new sections relating to workers' compensation law, with penalty provisions.

Senator Kinder moved that **SS** for **SS** for **SCS** for **SB 856** be adopted.

Senator Bartle assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 856, Section 287.140, Pages 26-34, Line 25, by repealing same, and enacting in lieu thereof the following:

"287.140. 1. In addition to all other compensation, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at [his own] **the employer's expense, provided that the employee notifies the employer of such selection before examination.** Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee [at the employee's expense], the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee's injury and recommended treatment [exclusive of] **including** any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620, RSMo. When an employee [is required to] submits to medical examinations or necessary medical treatment [at a place outside of the local or metropolitan area from the place of injury or the place of his residence], the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; **including mileage at the maximum rate per mile allowed by the Internal Revenue Service at the time that the mileage is incurred,** except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee's residence, place of injury or place of hire by the employer. [The choice of provider within the location selected shall continue to be made by the employer.] In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. [In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment.] In addition to all other payments authorized or mandated under this subsection, when an employee who has returned to full-time employment is required to submit to a medical examination for the purpose of evaluating permanent disability, or to undergo physical rehabilitation, the employer or its insurer shall pay a proportionate weekly compensation benefit based on the provisions of section 287.180 for such wages that are lost due to time spent undergoing such medical examinations or physical rehabilitation, except that where the employee is undergoing physical rehabilitation, such proportionate weekly compensation benefit payment shall be limited to a time period of no more than twenty weeks. For purposes of this subsection only, "physical rehabilitation" shall mean the restoration of the seriously injured person as soon as

possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied worker. Determination as to what care and restoration constitutes physical rehabilitation shall be the sole province of the treating physician. Should the employer or its insurer contest the determination of the treating physician, then the director shall review the case at question and issue his determination. Such determination by the director shall be appealable like any other finding of the director or the division. Serious injury includes, but is not limited to, quadriplegia, paraplegia, amputations of hand, arm, foot or leg, atrophy due to nerve injury or nonuse, and back injuries not amenable alone to recognized medical and surgical procedures.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute.

5. No compensation shall be payable for the death or disability of an employee, if and insofar as the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the purpose of this subsection, "life threatening" shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employee shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider; provided, however, that such physicians, surgeons or other health care providers shall offer

only those services authorized within the scope of their licenses. [For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.]

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of his partners or his employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

- (1) The patient;
- (2) The employer of the patient with workers' compensation liability for the injury or disease being treated;
- (3) The workers' compensation insurer of such employer; and
- (4) The workers' compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider [selected by the employee at his own expense pursuant to subsection 1 of this section], shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the

employee, the employer or the employer's insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

- (a) The name of the employer;
- (b) The name of the insurer, if known;
- (c) The name of the employee receiving the services;
- (d) The general nature of the injury, if known; and
- (e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination of noncompensability in regard to the injury which is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or

other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Yeckel--30		
Absent--Senators			
Bland	Dougherty	Scott	Wheeler--4
Absent with leave--Senators--None			

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Callahan, Nodler and Quick.

Senator Gross assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll--13			
NAYS--Senators			
Bartle	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
Absent--Senators			
Cauthorn	Wheeler--2		
Absent with leave--Senators--None			

Senator Callahan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 856, Page 3, Section 287.020, Lines 10-27 of said page, by striking all of said lines and inserting in lieu thereof the following:

"2. [The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen identifiable event or series of events happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. An injury is compensable if it is clearly work related. An injury is clearly work related if work was a substantial factor in the cause of the resulting medical condition or disability. An injury is not compensable merely because work was a triggering or precipitating factor] **The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean any work related event or series of events performed by an employee, with or without human fault, in the usual and customary duties of work, leading to a physical breakdown or change in pathology**".

Senator Callahan moved that the above amendment be adopted.

Senator Clemens offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 856, Page 3, Section 287.020, Lines 19-22 of said page, by striking said lines and inserting in lieu thereof the following: "work related. An injury is clearly work related if [work] **the accident** was [a substantial] **the prevailing** factor in the cause of the resulting medical condition or disability. An injury is not compensable merely because [work] **the accident** was a triggering or precipitating factor."

Senator Clemens moved that the above substitute amendment be adopted.

At the request of Senator Loudon, **SB 856**, with **SCS, SS for SCS, SS for SS for SCS, SA 2** and **SSA 1 for SA 2** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 798--Judiciary and Civil and Criminal Jurisprudence.

HB 822--Economic Development, Tourism and Local Government.

HCS for HB 1246--Aging, Families, Mental and Public Health.

HCS for HB 1422--Aging, Families, Mental and Public Health.

HB 1427--Judiciary and Civil and Criminal Jurisprudence.

HB 1572--Small Business, Insurance and Industrial Relations.

HB 1622--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for HB 928--Transportation.

HB 970--Aging, Families, Mental and Public Health.

HCS for HB 1123--Transportation.

HCS for HB 1201--Transportation.

HCS for HB 1280--Transportation.

HCS for HB 1284--Transportation.

HB 1442--Transportation.

HCS for HB 1449--Transportation.

HB 1489--Transportation.

HB 1508--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1575--Commerce and the Environment.

HB 1362--Economic Development, Tourism and Local Government.

HB 1493--Commerce and the Environment.

HB 1407--Economic Development, Tourism and Local Government.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 855**, entitled:

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1055**, entitled:

An Act to repeal sections 556.037, 566.083, 566.093, 566.095, 566.140, 566.141, 573.037, 573.040, 589.400 and 589.425, RSMo, and to enact in lieu thereof thirteen new sections relating to sexual offenses, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1041**, entitled:

An Act to repeal sections 105.454, 163.031, 168.110, 168.124, 168.126, 168.515, and 302.272, RSMo, and to enact in

lieu thereof ten new sections relating to school personnel, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1074** and **1129**, entitled:

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to cross burning, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1098** and **949**, entitled:

An Act to amend chapter 130, RSMo, by adding thereto two new sections relating to inaugural committees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1504**, entitled:

An Act to repeal section 227.120, RSMo, and to enact in lieu thereof one new section relating to the assessment of damages for the restriction or loss of access to highways when eminent domain is exercised, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 869**, entitled:

An Act to repeal sections 340.200, 340.246, 340.262, 340.306, 340.312, and 340.320, RSMo, and to enact in lieu thereof eight new sections relating to veterinarians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 988**, entitled:

An Act to repeal section 115.607, RSMo, and to enact in lieu thereof one new section relating to county political party committee representation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1277**, entitled:

An Act to repeal sections 260.370, 260.375, 260.380, 260.475, and 260.479, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste management, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 795, 972, 1128 and 1161**, entitled:

An Act to repeal sections 49.272, 49.650, 50.515, 50.339, 64.520, 64.805, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, and 479.020, RSMo, and to enact in lieu thereof eighteen new sections relating to county government, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1193**, entitled:

An Act to repeal sections 486.225, 486.235, 486.240, 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and 486.395, RSMo, and to enact in lieu thereof nineteen new sections relating to notaries public, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1152**, entitled:

An Act to repeal section 574.115, RSMo, and to enact in lieu thereof three new sections relating to terrorism, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1167**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1487**, entitled:

An Act to repeal section 565.110, RSMo, and to enact in lieu thereof two new sections relating to kidnapping, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 941**, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of district corporate organization.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1494**, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to boards of directors for regional recreational districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 978**, entitled:

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1616**, entitled:

An Act to repeal sections 536.015, 536.021, 536.023, and 536.031, RSMo, and to enact in lieu thereof four new sections relating to the publication of administrative rules.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1642, regarding St. Anns Catholic Church, which was adopted.

Senator Quick offered Senate Resolution No. 1643, regarding Shawn Michael "Spider" Groves, Kansas City, which was adopted.

Senator Champion offered Senate Resolution No. 1644, regarding John Michael Heatherly, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, John Mentgen, Robert Bezanson and Vicky Keeney, Springfield.

Senator Childers introduced to the Senate, Bob Phillips, Branson.

Senator Foster introduced to the Senate, John McClellan, Joe Riley, and Scott Faughn, Poplar Bluff.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Randy Mueller, M.D., Columbia.

Senator Vogel introduced to the Senate, Michael Krekel, Palos Verdes, California; and Michael was made an honorary page.

On behalf of Senator Bray and herself, Senator Days introduced to the Senate, Elly and Mitchell Weller, Creve Coeur; and Elly and Mitchell were made honorary pages.

Senator Jacob introduced to the Senate, members of Missouri Federation of Women's Democratic Clubs from around Missouri.

Senator Wheeler introduced to the Senate, Don Sipes, FACHE, Smithville.

Senator Scott introduced to the Senate, eighth grade students from Weaubleau School, Weaubleau.

Senator Shields introduced to the Senate, Wallace Patrick, his wife Jean, and their children, St. Joseph.

Senator Scott introduced to the Senate, Allen Waldo, Lamar.

Senator Vogel introduced to the Senate, Candace Marshall and fourth grade students from St. Francis Xavier School, Taos.

Senator Scott introduced to the Senate, Andrew Howerton, Chilhowee.

Senator Caskey introduced to the Senate, Dr. Shari Bax and students from Central Missouri State University, Warrensburg.

Senator Yeckel introduced to the Senate, Bob and Jackie Prebil, Charlie and Peggy DiMercurio, Harry and Judy Miles, and Katy Forand, St. Louis County.

Senator Kennedy introduced to the Senate, Carrie Ellis, Tim Dooley, Christina Cummins, Dr. J. Paul Tindall, and Victoria Danba, D.O., Farmington; and Jamie Swiss, St. Louis.

Senator Yeckel introduced to the Senate, Alison and Mike Levine, and their children, Daniel, Joshua and Rachel, St. Louis; and Daniel, Joshua and Rachel were made honorary pages.

Senator Wheeler introduced to the Senate, Lisa Chamor, Shelly and Margaret Shetley, and Andrea and Travis Tarry, Kansas City.

Senator Shields introduced to the Senate, David Tushaus, Lee Ann Fann, Tara Garland, Anjelica Lewis and Jennifer McKinley, St. Joseph.

Senator Kinder introduced to the Senate, Denise Stewart, Laura Hinkebein and Jean Bollinger, Cape Girardeau.

On behalf of Senators Kinder, Vogel, Cauthorn, Shields and herself, Senator Coleman

introduced to the Senate, Theresa E. Loveless, Kathy Dabrowski and Tameka Greene, representatives of Greater St. Louis Girl Scout Council, St. Louis; and Denise Stewart, Jean Bollinger, Laura Hinkebein, Shirley Stevens, Darryl Ann Jenkins, and Katie and Lynn Carnes, representatives of Girl Scouts of Otahki, Cape Girardeau; and Constance Bearnese and Roberta Hensen, representatives of Girl Scouts of Heart of Missouri, Jefferson City; and Linda Garner and Karen Sutor, representatives of Girl Scouts of Becky Thatcher Area, Hannibal; and Cindy Weber, June Chen, Whitney Patterson, and Tanya and Tara Mays, representatives of Girl Scouts of Cotton Boll Area Council, Sikeston; and Debbie Zabica and Renae Holmes, representatives of Girl Scouts of Midland Empire, St. Joseph.

Senator Jacob introduced to the Senate, Joseph Galli, Richard Piglowski, John Guerra, Jr., Marvin Kropp, Richard Mark, Terry Madden, Steve Johnson, Michael Goebel, Tom Merritt, John Becker, Keith Clavin, Richard Blevins, Mike Davis, Frank Blakemore, John Fielding, Duke Nabors, Chastity Young, Jim Sheard, Roger Chappell, Dan McKay, Steve Fields, Bobby Davidson, Bob Gartner and Ken Large, representatives of Missouri-Kansas-Nebraska Conference of Teamsters.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1377-Sutherland, et al

HCS for HB 1321

HCS for HB 855

HCS for HB 1055

HCS for HB 1041

HCS for HBs 1074 & 1129

HCS for HBs 1098 & 949

HB 1504-Lipke and Crowell

HB 869-Townley, et al

HCS for HB 988

HCS for HB 1277

HCS for HBs 795, 972, 1128 & 1161

HS for HB 1193-Self

HCS for HB 1152

HB 1167-Kelly (144), et al

HS for HB 1487-Self

HCS for HB 941

HB 1494-Ervin

HS for HCS for HB 978-Baker

HB 1616-Hanaway, et al

THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 1371-Kinder,

et al (In Fiscal Oversight)

SS for SCS for SB 1081-Kinder, et al

SCS for SB 1220-Caskey

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 738 & 790-Loudon, with SCS

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS, SS for SCS, SS for SS

for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for SCS,

SA 2 & SA 2 to SA 2 (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

SB 1247-Dougherty and Kennedy, with SCS

(In Fiscal Oversight)

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,
as amended

SB 739-Klindt, with HCS, as amended
HCS for HB 1014, with SCS,
as amended (Russell)

RESOLUTIONS

To be Referred

SCR 46-Gross

Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SIXTH DAY--THURSDAY, APRIL 1, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"Prayer then involves all things, and is an attempt to bring all things into focus, to see all things as they really are, as seen by God. (Melvyn Matthews)

Gracious God, we come before You in prayer asking You to help us focus on what is truly important and for You to help us see things the way You would have us see them, through loving eyes and a grateful spirit. Please watch our "going out and coming in" bringing us to loved ones we truly appreciate. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1645, regarding the One Hundredth Birthday of Gwendolyn Proctor, Shelbina, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1646, regarding Martha Sue Smith, Louisiana, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1647, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Baker, Kirksville, which was adopted.

Senator Cauthron offered Senate Resolution No. 1648, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Settle, Mexico, which was adopted.

Senator Childers offered Senate Resolution No. 1649, regarding Charley E. Schmidt, Rockaway Beach, which was adopted.

Senator Caskey offered Senate Resolution No. 1650, regarding Brian Jonathon McClure, Butler, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1278**, entitled:

An Act to repeal sections 374.160, 375.001, 375.246, 375.772, 375.773, 375.774, 375.775, 375.776, 375.778, 375.779, 375.1220, 376.421, 376.424, 376.426, 376.816, 376.960, 376.961, 376.966, 376.975, 376.980, 376.986, 379.110, 379.815, 379.825, 379.930, 379.938, 379.940, 379.942, 379.943, 379.952, 382.210, 384.043, 384.062, 384.065, 407.730, and 407.735, RSMo, and to enact in lieu thereof forty-four new sections relating to insurance, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HJR 35**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 44 of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to bird, fish, game, wildlife, or forestry resources.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 884**, entitled:

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to property and casualty insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1142**, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1471**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Jackson to the Truman Medical Center.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1179**, entitled:

An Act to repeal section 488.5026, RSMo, and to enact in lieu thereof one new section relating to a surcharge in criminal cases.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1364**, entitled:

An Act to repeal section 452.310, RSMo, and to enact in lieu thereof one new section relating to parenting plans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1438**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Deputy Steven Ziegler Memorial Highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1608**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Jackson.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1635**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Jackson.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1612**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Marion to the city of Hannibal.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1634**, entitled:

An Act to repeal section 59.480, RSMo, and to enact in lieu thereof one new section relating to military discharge records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1614**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the repeal of the expiration date for certain mental health insurance statutes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1604**, entitled:

An Act to repeal section 263.534, RSMo, and to enact in lieu thereof one new section relating to cotton liens.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1610**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Jesse R. Jenkins Memorial Highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1613**, entitled:

An Act to authorize the conveyance of property in the county of Greene owned by the board of governors of Southwest Missouri State University, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1048**, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1090**, entitled:

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to property insurance for real property transferring upon death.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1217**, entitled:

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof one new section relating to civilian employees retirement system of the police department of Kansas City.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1233**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1253**, entitled:

An Act to repeal sections 375.246, 375.1176, 375.1198, and 375.1220, RSMo, and to enact in lieu thereof four new sections relating to insurer liquidation law, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1405**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1440**, entitled:

An Act to repeal section 251.440, RSMo, and to enact in lieu thereof two new sections relating to regional planning commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1444**, entitled:

An Act to repeal section 21.190, RSMo, relating to legislative committees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1445**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Stoddard to the city of Dexter.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1502**, entitled:

An Act to repeal sections 169.270, 169.291, 169.295, 169.311, 169.313, 169.322, 169.324, and 169.328, RSMo, and to enact in lieu thereof seven new sections relating to school employee retirement.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 1529 and 1655**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to tax increment financing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1603**, entitled:

An Act to reenact section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session for the sole purpose of the republication of 135.766.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1631** and **1623**, entitled:

An Act to repeal section 205.900, RSMo, and to enact in lieu thereof one new section relating to supervision of paroled persons.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1660**, entitled:

An Act to repeal sections 43.250, 43.251, and 610.200, RSMo, and to enact in lieu thereof three new sections relating to accident reports.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John M. Parker, as a member of the Lincoln University Board of Curators;

Also,

Jean Howard, as a member of the State Committee of Dietitians;

Also,

Mariann Burnetti Atwell and Tina R. Wood, as members of the Missouri Head Injury Advisory Council;

Also,

Nancy J. Headrick, as a member of the Missouri Training and Employment Council;

Also,

Fernando A. McGregor, as a member of the Missouri Board for Respiratory Care;

Also,

Kelly Rostic, as a member of the Amber Alert System Oversight Committee;

Also,

Wallace N. Patrick and Roger E. Huckfeldt, M.D., as members of the State Advisory Council on Emergency Medical Services;

Also,

Larry Webber and Wallace S. Hartsfield, as members of the State Highway and Transportation Commission;

Also,

Robert M. Robuck, as a member of the State Banking Board;

Also,

Judy C. Logan, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

Charles C. Hill, Jr., as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Keith E. Spare, as a member of the Committee for Professional Counselors;

Also,

Ronald D. Boyer, as a member of the State Milk Board.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 787**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1277**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which were referred **SB 908** and **SB 719**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 906**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 888**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1279**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 1304**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields assumed the Chair.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS** for **SS** for **SCS** for **SB 1371**; and **SB 1247**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SS** for **SCS** for **SB 1371**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1371

An Act to repeal sections 208.556, 208.559, 208.568, and 208.574, RSMo, and to enact in lieu thereof nine new sections relating to the coordination of benefits for the Medicare Prescription Drug, Improvement and Modern-ization Act of 2003, with a termination date for a certain section.

Was taken up.

On motion of Senator Kinder, **SS** for **SS** for **SCS** for **SB 1371** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 1081**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081

An Act to amend chapter 431, RSMo, by adding thereto seven new sections relating to resolution of disputes concerning alleged defective residential construction.

Was taken up.

On motion of Senator Kinder, **SS** for **SCS** for **SB 1081** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--30		
NAYS--Senators			
Bland	Wheeler--2		
Absent--Senators			
Quick	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for **SB 1220**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1220

An Act to repeal sections 49.082, 50.334, 50.343, 51.281, 52.269, 53.082, 54.261, 54.320, 55.091, 56.265, 57.317, and 58.095, RSMo, and to enact in lieu thereof thirteen new sections relating to maximum allowable compensation for certain county officials.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS** for **SB 1220** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Stoll
Vogel		Wheeler	Yeckel--31
NAYS--Senators--None			
Absent--Senators			
Dolan		Quick	Steelman--3
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Klindt moved that motion lay on the table, which motion prevailed.

SB 1189, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 58.451, RSMo, and to enact in lieu thereof one new section relating to reporting and investigating of death by a coroner.

Was called from the Consent Calendar and taken up.

SCS for SB 1189, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1189

An Act to repeal sections 58.451 and 58.720, RSMo, and to enact in lieu thereof two new sections relating to reporting and investigating of death by a coroner.

Was taken up.

Senator Scott moved that SCS for SB 1189 be adopted.

At the request of Senator Scott the above motion was withdrawn, which placed the bill back on the Consent Calendar.

SB 1247, with SCS, introduced by Senators Dougherty and Kennedy, entitled:

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

Was called from the Consent Calendar and taken up by Senator Dougherty.

SCS for SB 1247, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1247

An Act repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

Was taken up.

Senator Dougherty moved that SCS for SB 1247 be adopted, which motion prevailed.

On motion of Senator Dougherty, SCS for SB 1247 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 738** and **SB 790**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 738** and **790**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 738 and 790

An Act to repeal sections 188.080 and 197.200, RSMo, and to enact in lieu thereof three new sections relating to abortion services, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **SBs 738** and **790** be adopted.

Senator Loudon offered **SS** for **SCS** for **SBs 738** and **790**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 738 and 790

An Act to repeal sections 188.015, 188.080 and 197.200, RSMo, and to enact in lieu thereof five new sections relating to respect for human life, with penalty provisions.

Senator Loudon moved that **SS** for **SCS** for **SBs 738** and **790** be adopted.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 738 and 790, Page 3, Section 188.250, Line 9, by inserting after "RSMo" the following:

", except in instances where the minor has been a victim of rape or incest".

Senator Bray moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel

Wheeler	Yeckel--30		
	Absent--Senators		
Bland	Dolan	Dougherty	Scott--4
	Absent with leave--Senators--None		

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Days, Quick and Stoll.

SA 1 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Coleman	Days
Goode	Jacob	Quick	Wheeler--8
	NAYS--Senators		
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Yeckel--23	
	Absent--Senators		
Dolan	Dougherty	Scott--3	
	Absent with leave--Senators--None		

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 738 and 790, Page 4, Section 188.250, Line 8, by inserting after all of said line the following:

"191.715. 1. This section shall be known and may be cited as the "Woman's Right to Know Act".

2. For purposes of this section, "emergency contraception" means any drug or device approved by the Food and Drug Administration that prevents pregnancy after intercourse.

3. The division of community health within the department of health and senior services shall endeavor to raise public awareness by informing hospitals, health care providers, pharmacists, and the community of the existence and availability of emergency contraception. The division shall also endeavor to promote appropriate counseling and referrals for all contraceptive drugs and devices, including emergency contraception, that are approved by the Food and Drug Administration. The division shall develop and distribute information which describes the contraceptive drugs and devices that are available and stresses the availability of emergency contraception, its use and safety, and its effectiveness in preventing pregnancy if taken as soon as possible after intercourse. The information shall stress that emergency contraception is a method of pregnancy prevention that cannot harm or terminate an established pregnancy. The information shall also inform women that pursuant to section 376.1199, RSMo, health insurance plans that cover prescription drugs must also cover contraceptive drugs and devices."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 2** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Bray, **SA 2** was withdrawn, rendering the point of order moot.

At the request of Senator Loudon, **SB 738** and **SB 790**, with **SCS**, and **SS** for **SCS** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which were referred **SB 1221** and **SB 1305**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which were referred **SB 1227**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Katie Jennings, Matt Strom, Tyler Holt, Whitney Wallace and Zach Casey, representatives of Farm Bureau Youth Leadership, Sikeston.

Senator Kinder introduced to the Senate, Keith Ruesler, Glenda Nations, Chris Haertling, Kacie and Jerry Seabaugh, Natalie Trankler, Zack Ruesler, Arron Olivas, David Keiner and Chris Huckstep, representatives of Farm Bureau Youth Leadership, Cape Girardeau.

Senator Clemens introduced to the Senate, Matt Cannefax, Ginger Ray, Jocelyn Butler, Alisha Woolf, Kylie Rawie and Tammy Lowery, representatives of Greene County Farm Bureau Youth Leadership.

Senator Foster introduced to the Senate, Ronald and Bonnie Yersak, Dexter; Deborah Jackson, Holland; Mayor Lucille Mullins, Dudley; Jerry and Cathryn Odle, and Councilwoman Alta Rader, Risco; Mayor James Vaughn and Councilman John Flowers, Qulin; Councilman Norman Ogles, Puxico; Mayor Frank Smith,

Tallapoosa; Councilman Kenneth Holmes, Cooter; Mayor David Bishop, Cardwell; and Mayor Lawrence Newman, Helen J. Winda-Frye and Earnmore Burns, Hayti Heights.

Senator Steelman introduced to the Senate, Kim Gibbs, Jarod Bahr, Ashley Palmer and Cody Granstaff, representatives of Farm Bureau Youth Leadership, Steelville.

Senator Klindt introduced to the Senate, Leasa Hicks, Kaylan Sundermann and Matt Schlueter, representatives of Farm Bureau Youth Leadership, Tarkio.

Senator Caskey introduced to the Senate, Justin Hicks, Joe Bouchard, Cody Norvell and Mike Moreland, representatives of Cass County Farm Bureau Youth Leadership.

Senator Gross introduced to the Senate, Derek Machens, Kyle Wehmeyer, Carl Smith, Bridgette Godsey, Katie Schroeder and Katie and Jim Weber, representatives of Farm Bureau Youth Leadership, St. Charles.

Senator Steelman introduced to the Senate, David Day, Eric Hammock, Steven Pope, Matthew Brunelli, Heather Hayden, Sara Turner and Frankie Howser, representatives of Farm Bureau Youth Leadership, Waynesville and Dixon; and Eric Hammock, Steven Pope, Matthew Brunell, Heather Hayden, Sara Turner and Frankie Howser were made honorary pages.

Senator Cauthorn introduced to the Senate, Lou Grayson, Lucerne; Vera Tribble, Debbie Rennells, Fred Smith, Marla Pace, Gwyn McKinley and Nancy Flood, representatives of Farm Bureau Youth Leadership, Putnam County.

Senator Cauthorn introduced to the Senate, Rhett Hunziker and Kendra Davis, Knox City; Michelle Hines, Hedge City; Meagan Davis and Paul Clark, Edina; and Allen Hustrad, Colony, representatives of Knox County Farm Bureau Youth Leadership.

Senator Cauthorn introduced to the Senate, Lacy St. Clair, Michael Phillips, Coleen Bullerd, Clayton Parker, Darin Winters, Ashley Roberts and Kay Campbell, representatives of Farm Bureau Youth Leadership, Clark County.

Senator Klindt introduced to the Senate, Mike Small, Samantha Parish, Kyle Fordyce and Jason Hayne, Newtown; and Brett Smith and Nicholas Collins, Harris.

Senator Kinder introduced to the Senate, his nephew Will Kinder and fourth grade students from Alma Schrader School, Cape Girardeau; and Will was made an honorary page.

Senator Dolan introduced to the Senate, Kristen Burkemper, Old Monroe; Matt Sprock, Collyn Hunt, Carrie Logan, Jarred Wehde, Steven Levy and Curtis Parson, Elsberry, representatives of Farm Bureau Youth Leadership.

Senator Steelman introduced to the Senate, Ryan Meyer, Vicki Bade, Whitney Wieberg, Kasey Huffman and Josh Verschuren, representatives of Farm Bureau Youth Leadership.

Senator Klindt introduced to the Senate, Sandra and Mary Smith, Maryville; Tyler Smith, Blue Springs; Denise Murphy and Thomas Workman, Hopkins; and Daisy Workman Pickering, representatives of Farm Bureau Youth Leadership, Nodaway County.

Senator Cauthorn introduced to the Senate, Ashley Fletcher, Shane Brixey, Adriane Seiger, Megan Blair, Kerra Friday, Aaron Nevils, Janis Deimeke, Barbara Wilson, representatives of Farm Bureau Youth Leadership, Mexico.

Senator Klindt introduced to the Senate, Erin Croy, Kelsie Parker, Emily Gay, Stefanie Dowell, Aaron Everly, Matt Hostetter, and Keith Sutton, representatives of Farm Bureau Youth Leadership, Daviess County.

Senator Klindt introduced to the Senate, Dane Arnold, Jodi Main and Jesse Jobson, Bucklin; Charles Wyatt and Kristin Almond, New Boston; Bill Ehrich, Laclede; Valerie Montgomery, Brookfield; and Leslie Enigman, Marceline, representatives of Farm Bureau Youth Leadership.

Senator Jacob introduced to the Senate, Cory Hancox and Kim Sorensen, Hallsville; Maggie Brunner, Centralia; and Glenn Brown, Boone County; representatives of Farm Bureau Youth Leadership.

Senator Clemens introduced to the Senate, Jennifer De Vore and Wesley Davis, Ava; and Doug Emerson, Douglas County, representatives of Farm Bureau Youth Leadership.

Senator Cauthorn introduced to the Senate, Donna Debes, Mollie Hanlin, and Joyce Vannice, Palmyra, representatives of Farm Bureau Youth Leadership.

Senator Cauthorn introduced to the Senate, Curtis Bowling, Lentner; Grant Mettler, Shelbina; Kalyn Bichsel, Leonard; Jenna Myers, Bethel; Kathy Chinn, Clarence; and Chris Chinn, Emden, representatives of Farm Bureau Youth Leadership.

Senator Cauthorn introduced to the Senate, Sam Cook, Cassie Vahle, and Anthony and Steve Clark, representatives of Farm Bureau Youth Leadership, Canton.

Senator Cauthorn introduced to the Senate, Ryan Stackhouse, Keith Bergthold, Scott Ray, Emmalee Roth, Chase Sommers, Bryant Jones and Megan Morgan, representatives of Farm Bureau Youth Leadership, Monroe County.

Senator Yeckel introduced to the Senate, Lora Montgomery and seventeen fourth grade students from Washington

Lutheran School, St. Louis.

Senator Scott introduced to the Senate, Scott Largent, Angie McKinley, Stevi Slyter, Emily McEwan, Whitney Dameron, Travis Smith, Jordan

Woods, and Shawn Custer, representatives of Farm Bureau Youth Leadership, Clinton.

Senator Scott introduced to the Senate, Ashley Noblett, Bolivar; Shannon Garretson, Humansville; Whitney Brower and Nathen Vickers, El Dorado Springs; John Viles, Jeff Storey, Joe Ewing and Jerry Suhwotre, Stockton, representatives of Farm Bureau Youth Leadership.

Senator Bartle introduced to the Senate, the Physician of the Day, Dr. Julie Wood, M.D., Kansas City.

Senator Scott introduced to the Senate, Mat Holt and Morgan Maples, and Harvey Beach, Warsaw; Audrey Meyer and Andrea Bockelman, Cole Camp; Sarah Brook, Lincoln; and Emme Daniels, Stockton, representatives of Farm Bureau Youth Leadership.

Senator Gross introduced to the Senate, Jerry and Rebecca LaRose, and their children, Rachel, Jonathan and David, St. Charles; and David was made an honorary page.

On behalf of Senator Shields, the President introduced to the Senate, Shayla Adams, Jennifer Moore, Nicole Lemons and Hal Sweeney, Platte County, Farm Bureau Youth Leadership.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, April 5, 2004.

SENATE CALENDAR

FORTY-SEVENTH DAY-MONDAY, APRIL 5, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1377-Sutherland, et al

HCS for HB 1321

HCS for HB 855

HCS for HB 1055

HCS for HB 1041

HCS for HBs 1074 & 1129

HCS for HBs 1098 & 949

HB 1504-Lipke and Crowell

HB 869-Townley, et al

HCS for HB 988

HCS for HB 1277

HCS for HBs 795, 972, 1128 & 1161

HS for HB 1193-Self

HCS for HB 1152

HB 1167-Kelly (144), et al

HS for HB 1487-Self

HCS for HB 941

HB 1494-Ervin

HS for HCS for HB 978-Baker

HB 1616-Hanaway, et al

HCS for HB 1278

HS for HCS for HJR 35-Dethrow, et al

HB 884-Ward

HB 1142-Daus, et al

HCS for HB 1471

HCS for HB 1179

HB 1364-Bishop, et al

HB 1438-Ward, et al

HB 1608-Dougherty

HB 1635-Salva

HB 1612-Bringer

HB 1634-Behnen

HCS for HB 1614

HB 1604-Bean, et al

HB 1610-Ward

HB 1613-Morris, et al

HB 1048-Parker, et al

HCS for HB 1090

HB 1217-Johnson (47)

HCS for HB 1233

HCS for HB 1253

HCS for HB 1405

HB 1440-Deeken

HB 1444-Moore, et al

HB 1445-Mayer

HB 1502-Wilson (42)

HCS for HBs 1529 & 1655

HB 1603-Lager

HCS for HBs 1631 & 1623

HCS for HB 1660

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

SB 787-Childers, with SCS

SB 1277-Yeckel, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 906-Foster, with SCS

SB 888-Goode

SB 1279-Steelman, et al, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1227-Russell, et al, with SCS

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1304-Byrd, with SCS (Scott)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 738 & 790-Loudon, with SCS & SS for SCS

(pending)

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS, SS for SCS, SS for SS

for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,
as amended

SB 739-Klindt, with HCS, as amended

HCS for HB 1014, with SCS, as amended

(Russell)

RESOLUTIONS

To be Referred

SCR 46-Gross

Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SEVENTH DAY--MONDAY, APRIL 5, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"To pray is to anchor the finite will in the will of God." (J.H. Oldham)

Merciful God, as we begin this week here together, we do so in prayer, to anchor our hearts and minds in You so we might keep our focus on the things that will help accomplish Your will for us and make us a blessing to those who have brought us here to serve in these various ways. Help us to make this happen, O Lord. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 1, 2004, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators				
Bartle	Bray	Callahan	Caskey		
Cauthorn	Champion	Childers	Clemens		
Coleman	Days	Dolan	Dougherty		
Foster	Gibbons	Goode	Griesheimer		
Gross	Jacob	Kennedy	Kinder		
Klindt	Loudon	Mathewson	Nodler		
Quick	Russell	Scott	Shields		
Steelman	Stoll	Vogel	Wheeler		
Yeckel--33					
Absent with leave--Senator Bland--1					

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1651, regarding the Ninetieth Birthday of Charles Lancaster "Lank" McBroom, Latham, which was adopted.

Senator Vogel offered Senate Resolution No. 1652, regarding the men and women of the Missouri National Guard and Reserves, which was adopted.

Senator Days offered Senate Resolution No. 1653, regarding the Eightieth Birthday of Raymond Anthony Bruntrager, which was adopted.

Senator Days offered Senate Resolution No. 1654, regarding Maria M. Logan, Bel-Nor, which was adopted.

Senator Yeckel offered Senate Resolution No. 1655, regarding Sheri Hogland, which was adopted.

Senator Yeckel offered Senate Resolution No. 1656, regarding Mary Kathleen Bresnahan, which was adopted.

Senator Yeckel offered Senate Resolution No. 1657, regarding Kathy Newcomer-Vester, which was adopted.

Senator Yeckel offered Senate Resolution No. 1658, regarding Mary Cullen Lynch, which was adopted.

Senator Yeckel offered Senate Resolution No. 1659, regarding Eileen Berner, which was adopted.

Senator Yeckel offered Senate Resolution No. 1660, regarding Annabel Blackiston Haskett, which was adopted.

Senator Yeckel offered Senate Resolution No. 1661, regarding Laurie Free, which was adopted.

Senator Yeckel offered Senate Resolution No. 1662, regarding Barbara Haaser, which was adopted.

Senator Yeckel offered Senate Resolution No. 1663, regarding Tim Hausman, which was adopted.

Senator Yeckel offered Senate Resolution No. 1664, regarding Eric Mitchell, which was adopted.

Senator Yeckel offered Senate Resolution No. 1665, regarding Jane Laurentius, which was adopted.

Senator Yeckel offered Senate Resolution No. 1666, regarding Jane Crowe, which was adopted.

Senator Yeckel offered Senate Resolution No. 1667, regarding Debbie Groerich, which was adopted.

Senator Yeckel offered Senate Resolution No. 1668, regarding Gertrude Conboy, which was adopted.

Senator Mathewson offered Senate Resolution No. 1669, regarding Elmer Ragus, Sedalia, which was adopted.

Senator Nodler offered Senate Resolution No. 1670, regarding Melissa Ralston, Joplin, which was adopted.

Senator Wheeler offered Senate Resolution No. 1671, regarding the late Joseph C. Pfeifauf, Overland Park, Kansas, which was adopted.

Senator Shields offered Senate Resolution No. 1672, regarding Louise D. Campbell, Faucett, which was adopted.

Senator Champion offered Senate Resolution No. 1673, regarding Derick English, Springfield, which was adopted.

Senator Bartle offered Senate Resolution No. 1674, regarding Michael Paul Dinges, Blue Springs, which was adopted.

Senator Russell offered Senate Resolution No. 1675, regarding Jarrett T. Conkin, Wright County, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1676, regarding the One Hundred Second Birthday of Viola Kathleen Magruder, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1677, regarding the Class 2 Champion Boys Basketball Team from Van-Far High School, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1678, regarding the One Hundred First Birthday of Rosemary Gabbert Musil, Louisiana, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1679, regarding the One Hundred Sixth Birthday of Mary B. Leonard, Vandalia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1680, regarding the Class 1 Champion Girls Basketball Team from Brashear High School, Brashear, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1681, regarding the Technology Program at Holliday C-2 School District, Holliday, which was adopted.

Senator Callahan offered Senate Resolution No. 1682, regarding Jessica Shafer, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1683, regarding John Mark Lambertson, which was adopted.

Senator Callahan offered Senate Resolution No. 1684, regarding Kalee Smith, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1685, regarding Mike Kline, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1686, regarding Brett Read, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1687, regarding Judi Wollenziehn, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1688, regarding Melissa Kabrick, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1689, regarding Sarah Noble, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1690, regarding Jessica Ruckman, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1691, regarding Hank Kimbrough, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1692, regarding Christa Hamburg, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1693, regarding Alex Dunn, Independence, which was adopted.

Senator Callahan offered Senate Resolution No. 1694, regarding Casey Wooton, Independence, which was adopted.

CONCURRENT RESOLUTIONS

Senator Griesheimer offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 47

WHEREAS, Missouri has a long tradition of providing funding for passenger railroad service and other multimodal transportation services; and

WHEREAS, passenger rail service and other forms of multimodal transportation services are a tool for economic development, mobility and congestion relief; and

WHEREAS, Missouri citizens directly benefit from passenger rail services and other multimodal transportation services; and

WHEREAS, Missouri ridership of Amtrak passenger rail services has decreased from approximately 208,000 passengers in fiscal year 2001 to 167,000 passengers in fiscal year 2003; and

WHEREAS, state assistance for passenger rail service provided by Amtrak was approximately \$6,200,000 in fiscal year 2003; and

WHEREAS, recent state budget woes has forced personnel cuts, elimination of promotional funds, and the implementation of a \$5 ticket surcharge to supplement insufficient state appropriations; and

WHEREAS, other multimodal transportation services, such as MetroLink and OATS, face financial shortfalls during tight budgetary times; and

WHEREAS, mass transit systems are looking into fare increases in order to balance their budgets; and

WHEREAS, total state multimodal program funding for aviation, passenger rail, waterways, and transit has decreased from approximately \$25 million in fiscal year 2000 to \$16 million in fiscal year 2004; and

WHEREAS, there is a strong desire to stabilize and improve state supported passenger rail service and other multimodal transportation services in Missouri; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on State Supported Passenger Rail Service and Multimodal Transportation"; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of five members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; five members of the House of Representatives, appointed by the Speaker of the House of Representatives, of which at least two shall be members of the minority party; one representative from the Missouri Division of Tourism; the Commissioner of the Missouri Office of Administration or the Commissioner's representative; a representative from the Kansas City Transportation Authority; a representative from Metro; a representative from a Missouri Port Authority; a representative from the Multimodal Operations Unit of the Missouri Department of Transportation; a representative from OATS; a representative from Amtrak; a representative from Union Pacific Railroad; and the mayor or the mayor's appointee of each community along the passenger rail route between St. Louis and Kansas City directly serviced by such passenger railroad service; and

BE IT FURTHER RESOLVED that the Committee shall make a comprehensive analysis of the state sponsored passenger rail service and other multimodal transportation services and shall:

- (1) Create a long-term vision for state supported passenger rail service and multimodal transportation services in Missouri;
- (2) Provide recommendations of how to reduce dependence on state general revenue support by increasing efficiencies, exploring dedicated funding sources, and by establishing local community support requirements;
- (3) Provide recommendations of how to establish public/ private partnerships with railroads to complete infrastructure improvements that will reduce track congestion and improve on-time performance of trains;
- (4) Provide recommendations of how to increase ridership through the stabilization of services, increased promotional efforts, and service improvements; and
- (5) Review and explore any other issues the Committee deems relevant to the issue of improving passenger rail and multimodal transportation services; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the appointed members of the joint interim committee be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 15, 2005, and that the authority of said Committee shall terminate on said date.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 710**; and **SS** for **SCS** for **SBs 1233, 840 and 1043** , begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Nodler assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which were referred **HB 1071, HB 801, HB 1275** and **HB 989**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 895**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 947**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 975**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1047**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1107**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles "Denny" Fitterling, 9904 Oakley, Kansas City, Jackson County, Missouri 64137, as a member of the Board of Therapeutic Massage, for a term ending June 17, 2005, and until his successor is duly appointed and qualified; vice, Derek Alvarez, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael Foresman, Republican, 515 Pointe Essex Court, Kirkwood, St. Louis County, Missouri 63122, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jo Ann Freeman, 8 Columbus Square Drive, St. Louis City, Missouri 63101, as a member of the Board of Police Commissioners-St. Louis City, for a term ending January 31, 2008, and until her successor is duly appointed and qualified; vice, Mary Elizabeth Nelson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosemary G. Hogan, Democrat, 2609 Chapel Wood Terrace, Columbia, Boone County, Missouri 65203, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Leon Kreisler, Republican, Route 2, Box 888J, Salem, Dent County, Missouri 65560, as a member of the State Soil and Water Districts Commission, for a term ending May 2, 2005, and until his successor is duly appointed and qualified; vice, Leland Burch, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Mangogna, 3829 Flora Place, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, Donald Thomas, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Davis D. Minton, Democrat, 16138 Shady Lane, Dexter, Stoddard County, Missouri 63841, as a member of the Clean Water Commission, for a term ending April 12, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joyce A. Mitchell, Ph.D., 506 Arbor Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2007, and until her successor is duly appointed and qualified; vice, Rick Martin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dawn Spellerberg Peck, 4709 King Salmon Way, Columbia, Boone County, Missouri 65203, as a member of the Missouri Genetic Disease Advisory Committee, for a term ending April 9, 2005, and until her successor is duly appointed and qualified; vice, Mark Toomey, resigned

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David G. Potter, 608 Charleston Oaks Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Missouri State Board of Nursing, for a term ending August 13, 2004, and until his successor is duly appointed and qualified; vice, Art Bante, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne B. Schmidt, Republican, 4311 Alderwood Drive, Florissant, St. Louis County, Missouri 63033, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 809**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 809** was again taken up.

Senator Klindt offered **SS** for **SCS** for **SB 809**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 809

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

Senator Klindt moved that **SS** for **SCS** for **SB 809** be adopted.

Senator Bartle assumed the Chair.

Senator Shields assumed the Chair.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 809, Page 1, In the Title, Line 3, by striking the following: "compliance audits"; and

Further amend said bill, Page 8, Section 375.1069, Line 26, by inserting after all of said line the following:

"383.324. Notwithstanding any other provision of the law to the contrary, no insurer authorized to issue policies of medical malpractice

insurance in this state shall increase the renewal premium on any policy of medical malpractice insurance nor impose changes in deductibles or coverage that materially alter the policy, unless the insurer mails or delivers to the named insured written notice of such increase or change in deductible or coverage at least ninety days prior to the renewal or anniversary date."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 1** is out of order as it goes beyond the purpose of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Steelman, **SA 1** was withdrawn, rendering the point of order moot.

Senator Steelman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 809, Page 1, In the Title, Line 3, by striking the following: "compliance audits"; and

Further amend said bill, Page 8, Section 375.1069, Line 26, by inserting after all of said line the following:

"383.324. Notwithstanding any other provision of the law to the contrary, no insurer authorized to issue policies of medical malpractice insurance in this state shall increase the renewal premium on any policy of medical malpractice insurance nor impose changes in deductibles or coverage that materially alter the policy, unless the insurer mails or delivers to the named insured written notice of such increase or change in deductible or coverage at least ninety days prior to the renewal or anniversary date. The department of insurance shall conduct an audit to ensure the compliance of the provisions herein."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Days, Dougherty and Wheeler.

Senator Gross assumed the Chair.

Senator Klindt raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Klindt, **SB 809**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1304**, with **SCS**, introduced by Representative Byrd, entitled:

An Act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 537.035, 537.067, 538.205, 538.210, 538.220, and 538.225, RSMo, and to enact in lieu thereof fifteen new sections relating to claims for damages and the payment thereof.

Was taken up by Senator Scott.

SCS for **HS** for **HCS** for **HB 1304**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1304An Act to repeal sections 355.176, 408.040, 508.010, 508.040, 508.070, 508.120, 510.263, 537.035, 537.067, 538.205, 538.210, and 538.225, RSMo, and to enact in lieu thereof twelve new sections relating to claims for damages and the payment thereof.

Was taken up.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HB 1304** be adopted.

Senator Bartle offered **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1304

An Act to repeal sections 355.176, 408.040, 508.010, 508.040, 508.070, 508.120, 510.263, 537.035, 537.067, 538.205, 538.210, and 538.225, RSMo, and to enact in lieu thereof twelve new sections relating to claims for damages and the payment thereof.

Senator Bartle moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be adopted.

Senator Scott offered **SS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1304

An Act to repeal sections 355.176, 408.040, 508.010, 508.040, 508.070, 508.120, 510.263, 516.105, 537.035, 537.067, 538.205, 538.210, 538.220, 538.225, and 538.300, RSMo, and to enact in lieu thereof sixteen new sections relating to tort reform.

Senator Scott moved that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be adopted.

At the request of Senator Scott, **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 1233, 840** and **1043** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred the gubernatorial appointments appearing on pages 832 and 833 to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 1377--Economic Development, Tourism and Local Government.

HCS for **HB 1321**--Economic Development, Tourism and Local Government.

HCS for **HB 1055**--Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1041**--Education.

HCS for **HBs 1074** and **1129**--Pensions and General Laws.

HCS for **HBs 1098** and **949**--Pensions and General Laws.

HB 1504--Transportation.

HB 869--Agriculture, Conservation, Parks and Natural Resources.

HCS for **HB 988**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HCS for **HB 1277**--Commerce and the Environment.

HCS for **HBs 795, 972, 1128** and **1161**--Economic Development, Tourism and Local Government.

HS for **HB 1193**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1152**--Judiciary and Civil and Criminal Jurisprudence.

HB 1167--Transportation.

HS for **HB 1487**--Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 941**--Education.

HB 1494--Economic Development, Tourism and Local Government.

HS for **HCS** for **HB 978**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1616--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1278**--Small Business, Insurance and Industrial Relations.

HS for **HCS** for **HJR 35**--Agriculture, Conservation, Parks and Natural Resources.

HB 884--Small Business, Insurance and Industrial Relations.

HB 1142--Transportation.

HCS for **HB 1471**--Economic Development, Tourism and Local Government.

HCS for **HB 1179**--Judiciary and Civil and Criminal Jurisprudence.

HB 1364--Judiciary and Civil and Criminal Jurisprudence.

HB 1438--Transportation.

HB 1608--Economic Development, Tourism and Local Government.

HB 1635--Economic Development, Tourism and Local Government.

HB 1612--Economic Development, Tourism and Local Government.

HB 1634--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 1604--Agriculture, Conservation, Parks and Natural Resources.

HB 1610--Transportation.

HB 1613--Economic Development, Tourism and Local Government.

HB 1048--Education.

HCS for **HB 1090**--Small Business, Insurance and Industrial Relations.

HB 1217--Pensions and General Laws.

HCS for **HB 1233**--Small Business, Insurance and Industrial Relations.

HCS for **HB 1253**--Small Business, Insurance and Industrial Relations.

HCS for **HB 1405**--Transportation.

HB 1440--Pensions and General Laws.

HB 1445--Economic Development, Tourism and Local Government.

HB 1502--Pensions and General Laws.

HCS for **HBs 1529** and **1655**--Ways and Means.

HB 1603--Ways and Means.

HCS for **HBs 1631** and **1623**--Judiciary and Civil and Criminal Jurisprudence.

REFERRALS

President Pro Tem Kinder referred **SCR 46** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1695, regarding Breanna Hackett, Independence, which was adopted.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-EIGHTH DAY-TUESDAY, APRIL 6, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 855

HCS for HB 1614

HB 1444-Moore, et al

HCS for HB 1660

THIRD READING OF SENATE BILLS

SCS for SB 710-Goode and Bray

SS for SCS for SBs 1233, 840 & 1043-Dolan

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelmann, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelmann and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

SB 787-Childers, with SCS

SB 1277-Yeckel, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 906-Foster, with SCS

SB 888-Goode

SB 1279-Steelmann, et al, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1227-Russell, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 738 & 790-Loudon, with SCS

& SS for SCS (pending)

SB 755-Shields, with SCS

SB 809-Klindt, with SCS, SS for SCS

& SA 2 (pending)

SB 856-Loudon, with SCS, SS for SCS, SS for SS

for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS,

SS for SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

HS for HCS for HB 1304-Byrd, with SCS, SS

for SCS & SS for SS for SCS (pending) (Scott)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman,
with SCS (Childers)
HCS for HB 895 (Nodler)
HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)
HB 1047-Guest and Bivins (Klindt)
HB 1107-Crawford, et al (Shields)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,
as amended

SB 739-Klindt, with HCS, as amended
HCS for HB 1014, with SCS, as amended
(Russell)

RESOLUTIONS

To be Referred

SCR 47-Griesheimer

Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY--TUESDAY, APRIL 6, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"Walk in wisdom toward them that are without, ...Let your speech be always with grace." (Colossians 4:5-6)

Gracious God, grant us grace to always deal with the people whom we meet with wisdom, common sense and in a pleasant, gracious and helpful manner so we might demonstrate our faithfulness with a warm heart and kind voice as we go about doing what is required of us in an effective and efficient way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1696, regarding June C. Jablonsky Lanz, St. Louis, which was adopted.

Senator Goode offered Senate Resolution No. 1697, regarding James L. Grady, Florissant, which was adopted.

Senator Childers offered Senate Resolution No. 1698, regarding Sandra Gayle Dean, which was adopted.

Senator Childers offered Senate Resolution No. 1699, regarding Larry J. Curnes, Branson West, which was adopted.

Senator Childers offered Senate Resolution No. 1700, regarding Luann Barr, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1701, regarding Charles J. Philipian, Branson West, which was adopted.

Senator Childers offered Senate Resolution No. 1702, regarding Joy Wheeler, Kimberling City, which was adopted.

THIRD READING OF SENATE BILLS

SCS for **SB 710**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 710

An Act to repeal sections 210.104, 210.107, 300.330, 300.410, 307.178, 307.180, 565.024, 565.060, and 565.070, RSMo, and to enact in lieu thereof seventeen new sections relating to motor vehicle safety, with penalty provisions and an effective date for certain sections.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS** for **SB 710** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Cauthorn	Childers
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Loudon	Nodler	Russell
Scott	Steelman	Stoll	Vogel
Wheeler	Yeckel--22		
NAYS--Senators			
Callahan	Caskey	Champion	Clemens
Foster	Jacob	Klindt	Mathewson
Quick	Shields--10		
Absent--Senator Coleman--1			
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was again taken up.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 1, In the Title, Line 6, of said title, by inserting immediately after the word "reform" the following: ", with an emergency clause for certain sections"; and

Further amend said bill, pages 1-2, section 355.176, by striking all of said section from the bill; and

Further amend said bill, pages 2-4, section 408.040, by striking all of said section from the bill; and

Further amend said bill, pages 4-7, section 508.010, by striking all of said section from the bill; and

Further amend said bill, pages 7-9, section 510.263, by striking all of said section from the bill; and

Further amend said bill, pages 9-10, section 516.105, by striking all of said section from the bill; and

Further amend said bill, pages 10-13, section 537.035, by striking all of said section from the bill; and

Further amend said bill, pages 13-15, section 537.067, by striking all of said section from the bill; and

Further amend said bill, pages 15-17, section 538.205, by striking all of said section from the bill; and

Further amend said bill, pages 17-19, section 538.210, by striking all of said section from the bill; and

Further amend said bill, pages 19-21, section 538.213, by striking all of said section from the bill; and

Further amend said bill, pages 21-23, section 538.220, by striking all of said section from the bill; and

Further amend said bill, pages 23-24, section 538.225, by striking all of said section from the bill; and

Further amend said bill, pages 24-25, section 538.227, by striking all of said section from the bill; and

Further amend said bill, page 25, section 538.300, by striking all of said section from the bill; and

Further amend said bill, page 25, section 1, by striking all of said section from the bill; and

Further amend said bill, page 25, section 2, by striking all of said section from the bill; and

Further amend said bill, pages 25-26, section 355.176, by striking all of said section from the bill; and

Further amend said bill, page 26, section 508.040, by striking all of said section from the bill; and

Further amend said bill, pages 26-27, section 508.070, by striking all of said section from the bill; and

Further amend said bill, page 27, section 508.120, by striking all of said section from the bill; and inserting in lieu thereof the following:

"135.163. 1. For all tax years beginning on or after January 1, 2005, in order to encourage the retention of physicians and other health care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2004.

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year.

379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

- (1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;
- (2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;
- (3) Insurance against loss or damage to aircraft;
- (4) All forms of motor vehicle insurance; and
- (5) All forms of life, accident and health, [and] workers' compensation insurance, **and medical malpractice liability insurance.**

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

3. Commercial property and commercial casualty insurance policies are subject to rate and form filing requirements as provided in section 379.321.

383.112. Any insurer or self-insured health care provider that fails to timely report claims information as required by sections 383.100 to 383.125 shall be subject to the provisions of section 374.215, RSMo.

383.150. As used in sections 383.150 to 383.195, the following terms shall mean:

- (1) "Association" [means], the joint underwriting association established pursuant to the provisions of sections 383.150 to 383.195;
- (2) **"Competitive bidding process", a process under which the director seeks, and insurers may submit, rates at which insurers guarantee to provide medical malpractice liability insurance to any health care provider unable to obtain such insurance in the voluntary market;**

(3) "Director" [means], the director of the department of insurance;

[(3)] (4) "Health care provider" includes physicians, dentists, clinical psychologists, pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants, chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical technicians, hospitals, nursing homes and extended care facilities; but shall not include any nursing service or nursing facility conducted by and for those who rely upon treatment by spiritual means alone in accordance with the creed or tenets of any well-recognized church or religious denomination;

[(4)] (5) "Medical malpractice insurance" [means], insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider;

[(5)] (6) "Net direct premiums" [means], gross direct premiums written on casualty insurance in the state of Missouri by companies authorized to write casualty insurance under chapter 379, RSMo 1969, in the state of Missouri, less return premiums thereon and dividends paid or credited to policyholders on such direct business.

383.151. When the department determines after a public hearing that medical malpractice liability insurance is not reasonably available for health care providers in the voluntary market, the director shall establish a method for providing such insurance to such health care providers. The director may:

- (1) Establish a competitive bidding process under which insurers may submit rates at which they agree to insure such health care providers; or**
- (2) Establish any other method reasonably designed to provide insurance to such health care providers.**

383.200. 1. As used in sections 383.200 to 383.225, the following terms mean:

- (1) "Director", the same meaning as such term is defined in section 383.100;**
- (2) "Health care provider", the same meaning as such term is defined in section 383.100;**
- (3) "Insurer", an insurance company licensed in this state to write liability insurance, as described in section 379.010, RSMo;**
- (4) "Medical malpractice insurance", the same meaning as such term is defined in section 383.200.**

2. The following standards and procedures shall apply to the making and use of rates pertaining to all classes of medical malpractice insurance:

- (1) Rates shall not be excessive, inadequate, or unfairly discriminatory. A rate is excessive if it is unreasonably high for the insurance provided. A rate is inadequate if it is unreasonably low for the insurance provided and continued use of it would endanger the solvency of the company. A rate is unfairly discriminatory if it does not reflect equitably differences in reasonably expected losses and expenses;**
- (2) (a) Every insurer that desires to increase a rate by less than fifteen percent shall file such rate, along with data supporting the rate change as prescribed by the director, no later than thirty days after such rate becomes effective. Filings under this paragraph shall not be subject to approval or disapproval by the director.**
(b) Every insurer that desires to increase a rate by fifteen percent or more shall submit a complete rate application to the director. A complete rate application shall include all data supporting the proposed rate and such other information as the director may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this act.
(c) Every insurer that has filed a rate increase under paragraph (a) of this subdivision for two consecutive years and in the third year desires to file a rate increase which in the aggregate over the three-year period will equal

or exceed a total rate increase of forty percent or more shall be required to submit a complete rate application under paragraph (b) of this subdivision.

(d) Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the fourth year in an amount not to exceed a twenty-five percent increase without being required to submit a complete rate application under paragraph (b) of this subdivision;

(3) The director of insurance shall promulgate rules setting forth standards that insurers shall adhere to in calculating their rates. Such rules shall:

(a) Establish a range within which an expected rate of return shall be presumed reasonable;

(b) Establish a range within which categories of expenses shall be presumed reasonable;

(c) Establish a range for the number of years of experience an insurer may consider in determining an appropriate loss development factor;

(d) Establish a range for the number of years of experience an insurer may consider in determining an appropriate trend factor;

(e) Establish a range for the number of years of experience an insurer may consider in determining an appropriate increased limits factor;

(f) Establish the proper weights to be given to different years of experience;

(g) Establish the extent to which an insurer may apply its subjective judgment in projecting past cost data into the future;

(h) Establish any other standard deemed reasonable and appropriate by the director;

(4) The director shall require an insurer to submit with any rate change application:

(a) A comparison, in a form prescribed by the director, between the insurer's initial projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which such data is available;

(b) A memorandum explaining the methodology the insurer has used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect. The director shall disapprove any rate application that does not fully reflect all such income;

(5) The director shall notify the public of any application from an insurer seeking a rate increase of fifteen percent or more, and shall hold a hearing on such application within forty-five days of such notice. The application shall be deemed approved ninety days after such notice unless it is disapproved by the director after the hearing;

(6) If after a hearing the director finds any rate of an insurer to be excessive, the director may order that the insurer discontinue the use of the rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

3. For insurers required to file pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, if there is insufficient experience within the state of Missouri upon which a rate can be based with respect to the classification to which such rate is applicable, the director may approve a rate increase that considers experiences within any other state or states which have a similar cost of claim and frequency of claim experience as this state. If there is insufficient experience within Missouri or any other states which have similar cost of claim and frequency of claim experience as Missouri, nationwide experience may be considered. The insurer in

its rate increase filing shall expressly show the rate experience it is using.

4. All information provided to the director under this section shall be available for public inspection.

5. The remedies set forth in this chapter shall be in addition to any other remedies available under statutory or common law.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

383.205. For all medical malpractice insurance policies written for insureds in the state of Missouri, the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one.

383.210. In determining the premium paid by any health care provider, a medical malpractice insurer shall apply a credit or debit based on the provider's loss experience, or shall establish an alternative method giving due consideration to the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance. No medical malpractice insurer may use any rate or charge any premiums unless it has filed such schedule or alternative method with the director of insurance and the director has approved such schedule or alternative method. A debit shall be based only on those claims that have been paid on behalf of the provider.

383.215. On or before March first of each year, every insurer providing medical malpractice insurance to a health care provider shall file the following information with the director of insurance:

(1) Information on closed claims:

(a) The number of new claims reported during the preceding calendar year, and the total amounts of reserve for such claims and for allocated loss adjustment expenses in connection with such claims;

(b) The number of claims closed during the preceding year, and the amount paid on such claims, detailed as follows:

a. The number of claims closed each year with payment, and the amount paid on such claims and on allocated loss adjustment expenses in connection with such claims;

b. The number of claims closed each year without payment, and the amount of allocated loss adjustment expenses in connection with such claims;

(2) Information regarding judgments, payment, and severity of injury in connection with judgements:

(a) For each judgment rendered against an insurer for more than one hundred thousand:

a. The amount of the judgment and the amount actually paid to the plaintiff;

b. The category of injury suffered by the plaintiff. Injuries shall be categorized as follows:

Category 1: Temporary injury, emotional only.

Category 2: Temporary insignificant injury, including lacerations, contusions, minor scars, and rash.

Category 3: Temporary minor injury, including infections, missed fractures, and falls in hospitals.

Category 4: Temporary major injury, including burns, left surgical material, drug side effects, and temporary brain damage.

Category 5: Permanent minor injury, including loss of fingers, and loss or damage to organs.

Category 6: Permanent significant injury, including deafness, loss of limb, loss of eye, and loss of one kidney or lung.

Category 7: Permanent major injury, including paraplegia, blindness, loss of two limbs, and brain damage.

Category 8: Permanent grave injury, including quadriplegia, severe brain damage, and any injury requiring lifelong care or having a fatal prognosis.

Category 9: Death;

(3) Information on each rate change implemented during the preceding five-year period by state and medical specialty;

(4) Information on premiums and losses by medical specialty:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics by medical specialty;

(b) Number of providers insured in each medical specialty;

(5) Information on premiums and losses by experience of the insured:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics as follows:

a. As to all insureds with no incidents within the preceding five-year period;

b. As to all insureds with one incident within the preceding five-year period;

c. As to all insureds with two incidents within the preceding five-year period;

d. As to all insureds with three or more incidents within the preceding five-year period;

(b) Number of providers insured:

a. With no incidents within the preceding five-year period;

b. With one incident within the preceding five-year period;

c. With two incidents within the preceding five-year period;

d. With three or more incidents within the preceding five-year period;

(6) Information on the performance of the investments of the insurer, including the value of the investments held in the portfolio of the insurer as of December thirty-first of the preceding calendar year, and the rate of return on such investments, detailed by category of investment as follows:

(a) United States government bonds;

- (b) Bonds exempt from federal taxation;**
- (c) Other unaffiliated bonds;**
- (d) Bonds of affiliates;**
- (e) Unaffiliated preferred stock;**
- (f) Preferred stock of affiliates;**
- (g) Unaffiliated common stock;**
- (h) Common stock of affiliates;**
- (i) Mortgage loans;**
- (j) Real estate; and**
- (k) Any additional categories of investments specified by the director of insurance.**

383.220. 1. On or before July 1, 2005, and after consultation with the medical malpractice insurance industry, the director shall establish an interactive Internet site which will enable any health care provider licensed in this state to obtain a quote from each medical malpractice insurer licensed to write the type of coverage sought by the provider.

2. The Internet site shall enable health care providers to complete an online form that captures a comprehensive set of information sufficient to generate a quote for each insurer. The director shall develop transmission software components which allow such information to be formatted for delivery to each medical malpractice insurer based on the requirements of the computer system of the insurer.

3. The director shall integrate the rating criteria of each insurer into its online form after consultation with each insurer using one of the following methods:

- (1) Developing a customized interface with the insurer's own rating engine;**
- (2) Accessing a third-party rating engine of the insurer's choice;**
- (3) Loading the insurer's rating information into a rating engine operated by the director;**
- (4) Any other method agreed on between the director and the insurer.**

4. After a health care provider completes the online form, the provider will be presented with quotes from each medical malpractice insurer licensed to write the coverage requested

by the provider.

5. Quotes provided on the Internet site shall at all times be accurate. When an insurer changes its rates, such rate changes shall be implemented at the Internet site by the director, in consultation with the insurer, as soon as practicable but in no event later than ten days after such changes take effect. During any period in which an insurer has changed its rates but the director has not yet implemented such changed rates on the Internet site, quotes for that insurer shall not be obtainable at the Internet site.

6. The director shall design the Internet site to incorporate user-friendly formats and self-help guideline materials, and shall develop a user-friendly Internet user-interface.

7. The Internet site shall also provide contact information, including address and telephone number, for each

medical malpractice insurer for which a provider obtains a quote at the Internet site.

8. By December 31, 2005, the director shall submit a report to the general assembly on the development, implementation, and affects of the Internet site established by this section. The report shall be based on:

- (1) The director's consultation with health care providers, medical malpractice insurers, and other interested parties; and
- (2) The director's analysis of other information available to the director, including a description of the director's views concerning the extent to which the information provided through the Internet site has contributed to increasing the availability of medical malpractice insurance and the effect the Internet site has had on the cost of medical malpractice insurance.

383.225. Each insurer shall file with the director of insurance new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision of this act.

383.230. Insurers writing medical malpractice insurance shall provide insured health care providers with written notice of any increase in renewal premium rates at least ninety days prior to the date of the renewal. At a minimum, the notice shall be sent by first class mail at least ninety days prior to the date of renewal and shall contain the insured's name, the policy number for the coverage being renewed, the total premium amount being charged for the current policy term, and the total premium amount being charged to renew the coverage.

383.600. 1. Sections 383.600 to 383.655 shall be known as the "Missouri Physicians Mutual Insurance Company Act".

2. As used in sections 383.600 to 383.655 the following words mean:

- (1) "Administrator", the chief executive officer of the Missouri physicians mutual insurance company;
- (2) "Board", the board of directors of the Missouri physicians mutual insurance company;
- (3) "Company", the Missouri physicians mutual insurance company.

383.610. The "Missouri Physicians Mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a state agency. The company shall have the powers granted a general not-for-profit corporation pursuant to section 355.131, RSMo. The company shall be a member of the Missouri property and casualty guaranty association, sections 375.771 to 375.799, RSMo, and as such will be subject to assessments therefrom, and the members of such association shall bear responsibility in the event of the insolvency of the company. The company shall be established pursuant to the provisions of sections 383.600 to 383.655. The company shall use flexibility and experimentation in the development of types of policies and coverages offered to physicians and their employees, subject to the approval of the director of the department of insurance.

383.615. 1. There is hereby created a board of directors for the company. The board shall be appointed by January 1, 2005, and shall consist of nine members appointed or selected as provided in this section. The governor shall appoint the initial nine members of the board with the advice and consent of the senate. Each director shall serve a seven-year term. Terms shall be staggered so that no more than one director's term expires each year on the first day of July. The nine directors initially appointed by the governor shall determine their initial terms by lot. At the expiration of the term of any member of the board, the company's policy holders shall elect a new director in accordance with provisions determined by the board.

2. Any person may be a director who:

- (1) Does not have any interest as a stockholder, employee, attorney, agent, broker, or contractor of an insurance entity who writes medical liability insurance, or whose affiliates write medical liability insurance;**
- (2) Is of good moral character and who has never pleaded guilty to, or been found guilty of a felony;**
- (3) Is not employed by or affiliated with, the state of Missouri, any hospital, health maintenance organization, or other entity providing any type of insurance in this state.**

3. There shall be one member from each congressional district of the state. Further, two members shall be doctors of osteopathic medicine duly licensed to practice in the state of Missouri, three members shall be medical doctors licensed to practice in this state, one member shall be a nurse licensed to practice in this state, one member shall be an attorney licensed to practice by the Missouri supreme court, and one member shall have insurance experience.

4. The board shall annually elect a chairman and any other officers it deems necessary for the performance of its duties. Board committees and subcommittees may also be formed.

5. The company shall pay to the board members their expenses incurred in the business of the company or the board and a stipend in a sum set by the board, but not more than one thousand dollars per meeting or the board or committee or subcommittee thereof attended by the member.

383.620. 1. By January 1, 2005, the board shall hire an administrator who shall serve at the pleasure of the board and the company shall be fully prepared to be in operation by January 1, 2005, and assume its responsibilities by that date. The administrator shall receive compensation as established by the board and must have such qualifications as the board deems necessary. The administrator shall not be a physician.

2. The board is vested with full power, authority, and jurisdiction over the company. The board may perform all acts necessary or convenient in the administration of the company or in connection with the insurance business to be carried on by the company. In this regard, the board is empowered to function in all aspects as a governing body of a private insurance carrier.

383.625. 1. The administrator of the company shall act as the company's chief executive officer. The administrator shall be in charge of the day-to-day operations and management of the company.

2. Before entering the duties of office, the administrator shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the company.

3. The administrator or the administrator's designee shall be the custodian of the moneys of the company and all premiums, deposits, or other moneys paid thereto shall be deposited with a financial institution as designated by the administrator.

4. No board member, officer, or employee of the company is liable in a private capacity for any act performed or obligation entered into when done in good faith, without intent to defraud, and in an official capacity in connection with the administration, management, or conduct of the company or affairs relating to it.

383.630. The board shall have full power and authority to establish rates to be charged by the company for insurance. The board shall contract for the services of or hire an independent actuary, a member in good standing with the American Academy of Actuaries, to develop and recommend actuarially sound rates. Rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The company shall conduct a program that shall be neither more nor less than self-supporting.

383.635. The board shall formulate and adopt an investment policy and supervise the investment activities of the company. The administrator may invest and reinvest the surplus or reserves of the company subject to the limitations imposed on domestic insurance companies by state law. The company may retain an independent

investment counsel. The board shall periodically review and appraise the investment strategy being followed and the effectiveness of such services. Any investment counsel retained or hired shall periodically report to the board on investment results and related matters.

383.640. Any insurance producer licensed to sell professional negligence insurance in this state shall be authorized to sell insurance policies for the company in compliance with the bylaws adopted by the company and upon the approval of the board. The board shall establish a schedule of commissions to pay for the services of the producer.

383.645. 1. The administrator shall formulate, implement, and monitor a program to decrease medical negligence by physicians and their staff for all policyholders.

2. The company shall have representatives whose sole purpose is to develop, with policyholders and the professional organizations related to the medical field, education and training seminars and other programs that provide training to physicians and their staffs.

3. The administrator or board may refuse to insure, or may terminate the insurance of any subscriber who refuses to attend such seminars or training or refuses to require their staff to attend such seminars or training as required by the board for its policyholders. The cost of said training seminars or a part thereof may be paid by the company.

383.650. 1. The company shall not receive any state appropriations, directly or indirectly, except as provided in this section.

2. After October 1, 2004, ten million dollars of the moneys received from the master settlement agreement, as defined in section 196.1000, RSMo, shall be used to make loans for start-up funding and initial capitalization of the company. The state legislature shall place such moneys in a special fund under the supervision of the Missouri state treasurer called the "Physicians Mutual Insurance Company Loan Fund" in the appropriations for the appropriate fiscal year. The board of the company shall make application to the treasurer for the loans, stating the amount to be loaned to the company. The loans shall be for a term of ten years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758, RSMo.

3. In order to provide funds for the creation, continued development, and operation of the company, the board is authorized to issue revenue bonds from time to time, in a principal amount outstanding not to exceed fifty million dollars at any given time, payable solely from premiums received from insurance policies and other revenues generated by the company.

4. The board may issue bonds to refund other bonds issued pursuant to this section.

5. The bonds shall have a maturity of no more than ten years from the date of issuance. The board shall determine all other terms, covenants, and conditions of the bonds, except that no bonds may be redeemed prior to maturity unless the company has established adequate reserves for the risks it has insured.

6. The bonds shall be executed with the manual or facsimile signature of the administrator or the chairman of the board and attested by another member of the board. The bonds may bear the seal, if any, of the company.

7. The proceeds of the bonds and the earnings of those proceeds shall be used by the board for the development and operation of the Missouri Physicians Mutual Insurance Company, to pay expenses incurred in the preparation, issuance, and sale of the bonds and to pay any obligations relating to the bonds and the proceeds of the bonds under the United States Internal Revenue Code of 1986, as amended.

8. The bonds may be sold at a public sale or a private sale. If the bonds are sold at a public sale, the notice of sale and other procedures for the sale shall be determined by the administrator or the company.

9. This section is full authority for the issuance and sale of the bonds and the bonds shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale and shall be incontestable in the hands of bona fide purchasers or holders of the bonds for value.

10. An amount of money from the sources specified in subsection 3 of this section sufficient to pay the principal of and any interest on the bonds as they become due each year shall be set aside and is hereby pledged for the payment of the principal and interest on the bonds.

11. The bonds shall be legal investment for any person or board charged with the investment of public funds and may be accepted as security for any deposit of public money, and the bonds and interest thereon are exempt from taxation by the state and any political subdivision or agency of the state.

12. The bonds shall be payable by the company, which shall keep a complete record relating to the payment of the bonds.

13. Not more than fifty percent of the bonds sold shall be sold to public entities.

383.655. 1. The board shall cause an annual audit of the books of accounts, funds, and securities of the company to be made by a competent and independent firm of certified public accountants, the cost of the audit to be charged against the company. A copy of the audit report shall be filed with the director of the department of insurance and the administrator. The audit shall be open to the public for inspection.

2. The board shall submit an annual independently audited report in accordance with the procedures governing annual reports adopted by the National Association of Insurance Commissioners by March first of each year and the report shall be delivered to the governor and the general assembly and shall indicate the business done by the company during the previous year and contain a statement of the resources and liabilities of the company.

3. The administrator shall annually submit to the board for its approval an estimated budget of the entire expense of administering the company for the succeeding calendar year having due regard to the business interests and contract obligations of the company.

4. The incurred loss experience and expense of the company shall be ascertained each year to include, but not be limited to, estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company. If there is an excess of assets over liabilities, necessary reserves and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared or a credit allowed to an insured policyholder, who has been insured with the company in accordance with criteria approved by the board, which may account for insured's record and claims history.

5. The department of insurance shall conduct an examination for the company in the manner and under the conditions provided by the statutes of the insurance code for the examination of insurance carriers. The board shall pay the cost of the examination as an expense of the company. The company is subject to all provisions of the statutes which relate to private insurance carriers and to the jurisdiction of the department of insurance in the same manner as private insurance carriers, except as provided by the director.

6. For the purpose of ascertaining such information as the administrator may require in the proper administration of the company, the records of each policyholder and insured of the company shall be always open to inspection by the administrator or the administrator's duly authorized agent or representative.

7. Every person provided insurance coverage by the company, upon complying with the underwriting standards adopted by the company, and upon completing the application form prescribed by the company, shall be furnished with a policy showing the date on which the insurance becomes effective.

508.010. 1. As used in this section, the following terms shall mean:

(1) "Principal office", a principal office of the corporation, unincorporated association, or partnership in this state in which the decision makers for the organization within this state conduct the daily affairs of the organization. The mere presence of an agency or representative does not establish a principal office;

(2) "Proper venue", except as otherwise provided by law, the venue provided by subsections 2 and 3 of this section.

2. Except as otherwise provided by this section, all lawsuits shall be brought:

(1) In the county in which all or a substantial part of the events or omissions giving rise to the claim occurred;

(2) In the county of defendant's residence at the time the cause of action accrued if defendant is a natural person;

(3) In the county of the defendant's principal office in this state, if the defendant is not a natural person;

(4) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(5) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(6) When all the defendants are nonresidents of the state, suit may be brought in any county in this state;

(7) If subdivisions (1), (2), (3), (4), (5), or (6) of this section do not apply, in the county in which the plaintiff resided at the time of the accrual of the cause of action.

3. For the convenience of the parties and witnesses and in interest of justice, a court may transfer an action from a county of proper venue under this section, or any other provision of law, to any other county of proper venue on motion of a defendant filed and served concurrently with or before the filing of the answer, where the court finds:

(1) Maintenance of the action in the county of suit would work an injustice to the movant considering the movant's economic and personal hardship;

(2) The balance of interest of all parties predominates in favor of the action being brought in the other county; and

(3) The transfer of the action would not work an injustice to any other party.

4. A court's ruling or decision to grant or deny a transfer under subsection 3 of this section is not grounds for appeal or mandamus and is not reversible error.

537.067. [1.] In all tort actions for damages, [in which fault is not assessed to the plaintiff, the defendants] except where there is a finding of liability for an intentional tort, a defendant shall be jointly and severally liable for the amount of [the judgment] the compensatory damages and noneconomic damages portion of the judgment rendered against [such] defendants only if such defendant is found to bear ten percent or more of fault. In an action for damages where there is a finding of liability for an intentional tort, the defendants shall be jointly and severally liable for the amount of the compensatory and noneconomic damages portion of the judgment rendered against such defendants. A defendant may not be jointly and severally liable for more than the percentage of punitive damages for which fault is attributed to such defendant by the trier of fact.

[2. In all tort actions for damages in which fault is assessed to plaintiff the defendants shall be jointly and severally liable for the amount of the judgment rendered against such defendants except as follows:

- (1) In all such actions in which the trier of fact assesses a percentage of fault to the plaintiff, any party, including the plaintiff, may within thirty days of the date the verdict is rendered move for reallocation of any uncollectible amounts;
- (2) If such a motion is filed the court shall determine whether all or part of a party's equitable share of the obligation is uncollectible from that party, and shall reallocate any uncollectible amount among the other parties, including a claimant at fault, according to their respective percentages of fault;
- (3)] The party whose uncollectible amount is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment[;
- (4) No amount shall be reallocated to any party whose assessed percentage of fault is less than the plaintiff's so as to increase that party's liability by more than a factor of two;
- (5) If such a motion is filed, the parties may conduct discovery on the issue of collectibility prior to a hearing on such motion;
- (6) Any order of reallocation pursuant to this section shall be entered within one hundred twenty days after the date of filing such a motion for reallocation. If no such order is entered within that time, such motion shall be deemed to be overruled;
- (7) Proceedings on a motion for reallocation shall not operate to extend the time otherwise provided for post-trial motion or appeal on other issues.

Any appeal on an order or denial of reallocation shall be taken within the time provided under applicable rules of civil procedure and shall be consolidated with any other appeal on other issues in the case.

3. This section shall not be construed to expand or restrict the doctrine of joint and several liability except for reallocation as provided in subsection 2].

537.072. In all tort actions based upon improper health care, the parties shall make a good faith effort to engage in mediation, which shall be conducted by a trained mediator selected from a list approved by the circuit court. The parties shall advise the circuit court in writing that mediation take place. If mediation does not occur, the parties shall set forth in writing to the circuit court their good faith effort to conduct mediation.

538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than [three] **four** hundred [fifty] **ninety-five** thousand dollars [per occurrence] for noneconomic damages from any one defendant as defendant is defined in subsection 2 of this section.

2. "Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:

- (1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;
- (2) A physician, including his **or her** nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;
- (3) Any other health care provider having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes.

3. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the

court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

4. **Beginning on August 28, 2006**, the limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

5. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his **or her** actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.

538.211. 1. In all actions against a health care provider pursuant to this chapter, any health care defendant who has filed a timely motion to transfer venue may move for a hearing on the propriety of venue. All discovery shall be stayed except for discovery on the issue of venue raised in the motion. Within ninety days of the filing of the motion, the court shall set a hearing on the motion.

2. If after hearing the court determines that venue is improper, the court shall transfer venue to a county where venue is proper.

3. The court may award reasonable costs, expenses, and attorneys' fees associated with said motion to the prevailing party.

538.225. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services, the plaintiff or [his] **the plaintiff's** attorney shall file an affidavit with the court stating that he **or she** has obtained the written opinion of a legally qualified health care provider which states that the defendant health care provider failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. [The affidavit shall state the qualifications of such health care providers to offer such opinion.] The health care provider who offers such opinion shall have education, training, and experience in a like area of expertise, or logical extension of the field of expertise, as the defendant health care provider. In addition, the health care provider must be actively engaged in the practice of medicine or have retired from actively practicing within five years of the date of the written opinion. The written opinion is, upon motion of a party, subject to in-camera review by the court without counsel or the parties present to assure its compliance with this section.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.

5. If the plaintiff or [his] the plaintiff's attorney fails to file such affidavit [the court may] within the time required under subsection 4 of this section, the action as to that defendant shall be stayed and the court shall, upon motion of any party, dismiss the action against [such moving party] that defendant without prejudice.

538.226. 1. The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person shall be inadmissible as evidence of an admission of liability in a civil action. A statement of fault, however, which is part of or in addition to any of the above shall be admissible under this section.

2. As used in this section, "benevolent gestures" means actions which convey a sense of compassion or commiseration emanating from humane impulses.

Section 1. 1. Any person may file a miscellaneous case for the purpose of securing copies of such person's health care records or the health care records of any other individual for whom such person is the guardian or attorney-in-fact, or is a potential claimant for a wrongful death.

2. A miscellaneous case shall be filed in the circuit in which any of the health care records sought to be obtained are located.

3. The petition shall be filed according to the following guidelines:

(1) The petition shall contain the following:

(a) The name of the individual who received the health care services or medical treatment;

(b) A brief summary of the health care services or medical treatment received;

(c) A brief summary of the outcome of the health care services or medical treatment; and

(d) The names of the health care providers from whom health care records are being sought;

(2) The petition shall not contain allegations of negligence or demands, other than a general demand for access to health care records.

4. Within five business days of filing the miscellaneous case, the petitioner shall mail a copy of the petition by regular and certified mail to each health care provider listed in the petition. The petitioner shall certify to the court that the petition has been mailed as required.

5. After filing a miscellaneous case, the petitioner may request the health care records described in subsection 1 of this section by subpoena and, if necessary, subpoena the health care records custodian for a deposition for the sole purpose of securing copies of the health care records and verifying their authenticity. Refusal to provide the requested records may be the basis for the court to impose sanctions or orders of contempt.

6. Filing of a miscellaneous case petition shall toll the applicable statute of limitations for one hundred twenty days on any claim for injuries or death caused by professional negligence of a health care provider, but in no event shall the applicable statute of limitations be tolled under this section for more than one hundred twenty days.

7. The naming or listing of a health care provider as a person from whom records are requested shall not be considered for any reporting purposes as a claim made against the health care provider.

8. A health care provider or any person or entity acting on behalf of a health care provider shall not charge more than is allowable under section 197.227, RSMo, for providing copies of health care records.

[508.010. Suits instituted by summons shall, except as otherwise provided by law, be brought:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state;

(5) Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found;

(6) In all tort actions the suit may be brought in the county where the cause of action accrued regardless of the residence of the parties, and process therein shall be issued by the court of such county and may be served in any county within the state; provided, however, that in any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published.]

Section B. Because immediate action is necessary to take action regarding the circumstances facing the medical malpractice liability insurance market in this state, the repeal and reenactment of sections 379.316, 383.150, 538.210 and 538.225, and the enactment of sections 135.163, 383.112, 383.151, 383.200, 383.205, 383.210, 383.215, 383.220, 383.225, 383.230, 383.600, 383.610, 383.615, 383.620, 383.625, 383.630, 383.635, 383.640, 383.645, 383.650, 383.655, 537.072, 538.211, 538.226, and 1 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 379.316, 383.150, 538.210 and 538.225, and the enactment of sections 135.163, 383.112, 383.151, 383.200, 383.205, 383.210, 383.215, 383.220, 383.225, 383.230, 383.600, 383.610, 383.615, 383.620, 383.625, 383.630, 383.635, 383.640, 383.645, 383.650, 383.655, 537.072, 538.211, 538.226, and 1 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Bartle offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Pages 1-2, Section 355.176, by striking all of said section from the bill; and

Further amend said bill, pages 2-4, section 408.040, by striking all of said section from the bill; and

Further amend said bill, pages 4-7, section 508.010, by striking all of said section from the bill; and

Further amend said bill, pages 7-9, section 510.263, by striking all of said section from the bill; and

Further amend said bill, pages 9-10, section 516.105, by striking all of said section from the bill; and

Further amend said bill, pages 10-13, section 537.035, by striking all of said section from the bill; and

Further amend said bill, pages 13-15, section 537.067, by striking all of said section from the bill; and

Further amend said bill, pages 15-17, section 538.205, by striking all of said section from the bill; and

Further amend said bill, pages 17-19, section 538.210, by striking all of said section from the bill; and

Further amend said bill, pages 19-21, section 538.213, by striking all of said section from the bill; and

Further amend said bill, pages 21-23, section 538.220, by striking all of said section from the bill; and

Further amend said bill, pages 23-24, section 538.225, by striking all of said section from the bill; and

Further amend said bill, pages 24-25, section 538.227, by striking all of said section from the bill; and

Further amend said bill, page 25, section 538.300, by striking all of said section from the bill; and

Further amend said bill, page 25, section 1, by striking all of said section from the bill; and

Further amend said bill, page 25, section 2, by striking all of said section from the bill; and

Further amend said bill, pages 25-26, section 355.176, by striking all of said section from the bill; and

Further amend said bill, page 26, section 508.040, by striking all of said section from the bill; and

Further amend said bill, pages 26-27, section 508.070, by striking all of said section from the bill; and

Further amend said bill, page 27, section 508.120, by striking all of said section from the bill; and inserting in lieu thereof the following:

"355.176. 1. A corporation's registered agent is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the corporation.

2. If a corporation has no registered agent, or the agent cannot with reasonable diligence be served, the corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the corporation at its principal office shown in the most recent annual report filed pursuant to section 355.856. Service is perfected under this subsection on the earliest of:

(1) The date the corporation receives the mail;

(2) The date shown on the return receipt, if signed on behalf of the corporation; or

(3) Five days after its deposit in the United States mail, if mailed and correctly addressed with first class postage affixed.

3. This section does not prescribe the only means, or necessarily the required means, of serving a corporation.

408.040. 1. Interest shall be allowed on all money due upon any judgment or order of any court from the day of rendering the same until satisfaction be made by payment, accord or sale of property; all such judgments and orders for money upon contracts bearing more than nine percent interest shall bear the same interest borne by such contracts, and, **except as provided by subsection 3 of this section**, all other judgments and orders for money shall bear nine percent per annum until satisfaction made as aforesaid.

2. In tort actions, if a claimant has made a demand for payment of a claim or an offer of settlement of a claim, to the party, parties or their representatives, **and to such party's liability insurer if known to the claimant**, and the amount of the judgment or order exceeds the demand for payment or offer of settlement, **then** prejudgment interest, [at the rate specified in subsection 1 of this section, shall] **may be awarded**, calculated from a date sixty days after the demand or offer was [made] **received, as shown by the certified mail return receipt**, or from the date the demand or offer was rejected without counter offer, whichever is earlier. [Any such demand or offer shall be made in writing and sent by certified mail and shall be left open for sixty days unless rejected earlier.] **In order to qualify as a demand or offer pursuant to this section, such demand must:**

(1) Be in writing and sent by certified mail return receipt requested; and

(2) Be accompanied by an affidavit of the claimant describing the nature of the claim and theory of liability, the nature of any injuries claimed and a computation of any category of damages sought by the claimant with supporting documentation; and

(3) For personal injury and bodily injury claims, be accompanied by a list of the names and addresses of

medical providers who have provided treatment to the claimant for such injuries, copies of all medical bills, a list of employers if the claimant is seeking damages for loss of wages or earnings, and written authorizations sufficient to allow the party, its representatives, and liability insurer if known to the claimant to obtain records from all employers and medical care providers; and

(4) Reference this section and be left open for sixty days.

If the claimant is a minor or incompetent or deceased, the affidavit may be signed by any person who reasonably appears to be qualified to act as next friend or conservator or personal representative. If the claim is one for wrongful death, the affidavit may be signed by any person qualified pursuant to section 537.080, RSMo, to make claim for the death. The trial court, in its discretion, shall determine whether prejudgment interest is awarded. Nothing contained herein shall limit the right of a claimant, in actions other than tort actions, to recover prejudgment interest as otherwise provided by law or contract.

3. Notwithstanding the provisions of subsection 1 of this section, in tort actions, a judgment for prejudgment interest awarded pursuant to subsection 2 of this section should bear interest at a per annum interest rate equal to the Federal Funds Rate, as established by the Federal Reserve Board, plus five percent. A judgment awarded for post judgment interest should bear interest at a per annum interest rate equal to the Federal Funds Rate, as established by the Federal Reserve Board, plus seven percent. The judgment shall state the applicable interest rate.

508.010. [Suits instituted by summons shall, except as otherwise provided by law, be brought] **1. As used in this section "principal place of residence", shall mean the county which is the main place where an individual resides in the state of Missouri. There shall be a rebuttable presumption that the county of voter registration is the principal place of residence. There shall be only one principal place of residence.**

2. In all actions in which there is no count alleging a tort, venue shall be determined as follows:

- (1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the county within which the plaintiff resides, and the defendant may be found;
- (2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;
- (3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;
- (4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state[;
- (5) Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found;
- (6) In all tort actions the suit may be brought in the county where the cause of action accrued regardless of the residence of the parties, and process therein shall be issued by the court of such county and may be served in any county within the state; provided, however, that in any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published].

3. Tort actions shall include claims based upon improper health care.

4. Notwithstanding any other provision of law in all actions in which there is any count alleging a tort, and in which the cause of action accrued in the state of Missouri venue shall be in the county where the cause of action accrued. As used in this section, "the county where the cause of action accrued" shall mean the county where the plaintiff, or, in the case of a wrongful death action, the decedent, was first injured by the wrongful acts or negligent conduct alleged in the action.

5. Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the cause of action accrued outside the state of Missouri venue shall be determined as follows:

(1) If the defendant is a corporation then venue may be in the county where a corporate defendant's registered agent is located or in the county in which the corporation had the largest number of employees in the two years prior to the date the cause of action accrued;

(2) If the defendant is an individual then venue may be in the county of the individual's principal place of residence in the state of Missouri.

6. Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found.

7. In all actions process therein shall be issued by the court of such county and may be served in any county within the state.

8. In any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published.

9. In all actions venue shall be determined as of the date the cause of action accrued.

10. All motions to dismiss or to transfer based upon a claim of improper venue shall be deemed granted if not denied within ninety days of filing of the motion unless such time period is waived in writing by all parties.

510.263. 1. All actions tried before a jury involving punitive damages, including tort actions based upon improper health care, shall be conducted in a bifurcated trial before the same jury if requested by any party.

2. In the first stage of a bifurcated trial, in which the issue of punitive damages is submissible, the jury shall determine liability for compensatory damages, the amount of compensatory damages, including nominal damages, and the liability of a defendant for punitive damages. Evidence of defendant's financial condition shall not be admissible in the first stage of such trial unless admissible for a proper purpose other than the amount of punitive damages.

3. If during the first stage of a bifurcated trial the jury determines that a defendant is liable for punitive damages, that jury shall determine, in a second stage of trial, the amount of punitive damages to be awarded against such defendant. Evidence of such defendant's net worth shall be admissible during the second stage of such trial.

4. Within the time for filing a motion for new trial, a defendant may file a post-trial motion requesting the amount awarded by the jury as punitive damages be credited by the court with amounts previously paid by the defendant for punitive damages arising out of the same conduct on which the imposition of punitive damages is based. At any hearing, the burden on all issues relating to such a credit shall be on the defendant and either party may introduce relevant evidence on such motion. Such a motion shall be determined by the trial court within the time and according to procedures applicable to motions for new trial. If the trial court sustains such a motion the trial court shall credit the jury award of punitive damages by the amount found by the trial court to have been previously paid by the defendant arising out of the same conduct and enter judgment accordingly. If the defendant fails to establish entitlement to a credit under the provisions of this section, or the trial court finds from the evidence that the defendant's conduct out of which the prior punitive damages award arose was not the same conduct on which the imposition of punitive damages is based in the pending action, or the trial court finds the defendant unreasonably continued the conduct after acquiring actual knowledge of the dangerous

nature of such conduct, the trial court shall disallow such credit, or, if the trial court finds that the laws regarding punitive damages in the state in which the prior award of punitive damages was entered substantially and materially deviate from the law of the state of Missouri and that the nature of such deviation provides good cause for disallowance of the credit based on the public policy of Missouri, then the trial court may disallow all or any part of the credit provided by this section.

5. The credit allowable under this section shall not apply to causes of action for libel, slander, assault, battery, false imprisonment, criminal conversation, malicious prosecution or fraud.

6. The doctrines of remittitur and additur, based on the trial judge's assessment of the totality of the surrounding circumstances, shall apply to punitive damage awards.

7. As used in this section, the term "punitive damage award" means an award for punitive or exemplary damages or an award for aggravating circumstances.

8. Discovery as to a defendant's assets shall be allowed only after a finding by the trial court that it is more likely than not that the plaintiff will be able to present a submissible case to the trier of fact on the plaintiff's claim of punitive damages.

537.035. 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) "Health care professional", a physician or surgeon licensed under the provisions of chapter 334, RSMo, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of

chapter 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health professional as defined in section 632.005, RSMo, while acting within their scope of practice;

(2) "Peer review committee", a committee of health care professionals with the responsibility to evaluate, maintain, or monitor the quality and utilization of health care services or to exercise any combination of such responsibilities.

2. A peer review committee may be constituted as follows:

(1) Comprised of, and appointed by, a state, county or local society of health care professionals;

(2) Comprised of, and appointed by, the partners, shareholders, or employed health care professionals of a partnership or professional corporation of health care professionals;

(3) Appointed by the board of trustees, chief executive officer, or the organized medical staff of a licensed hospital, or other health facility operating under constitutional or statutory authority, **including long-term care facilities licensed under chapter 198, RSMo**, or an administrative entity of the department of mental health recognized pursuant to the provisions of subdivision (3) of subsection 1 of section 630.407, RSMo;

(4) Any other organization formed pursuant to state or federal law authorized to exercise the responsibilities of a peer review committee and acting within the scope of such authorization;

(5) Appointed by the board of directors, chief executive officer or the medical director of the licensed health maintenance organization.

3. Each member of a peer review committee and each person, hospital governing board, health maintenance organization board of directors, and chief executive officer of a licensed hospital or other hospital operating under constitutional or statutory authority, chief executive officer or medical director of a licensed health maintenance organization who testifies before, or provides information to, acts upon the recommendation of, or otherwise participates in the operation of, such a committee shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice and are reasonably related to the scope of inquiry of the peer review committee.

4. Except as otherwise provided in this section, the proceedings, findings, deliberations, reports, and minutes of peer review committees concerning the health care provided any patient are privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity or be admissible into evidence in any judicial or administrative action for failure to provide appropriate care. Except as otherwise provided in this section, no person who was in attendance at any peer review committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation of the committee or board, or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before a peer review committee nor is a member, employee, or agent of such committee, or other person appearing before it, to be prevented from testifying as to matters within his personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about testimony or other proceedings before any health care review committee or board or about opinions formed as a result of such committee hearings.

5. The provisions of subsection 4 of this section limiting discovery and admissibility of testimony as well as the proceedings, findings, records, and minutes of peer review committees do not apply in any judicial or administrative action brought by a peer review committee or the legal entity which formed or within which such committee operates to deny, restrict, or revoke the hospital staff privileges or license to practice of a physician or other health care providers; or when a member, employee, or agent of the peer review committee or the legal entity which formed such committee or within which such committee operates is sued for actions taken by such committee which operate to deny, restrict or revoke the hospital staff privileges or license to practice of a physician or other health care provider.

6. Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from peer review committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards.

537.067. [1.] In all tort actions for damages, [in which fault is not assessed to the plaintiff the defendants] **except where there is a finding of liability for an intentional tort, a defendant** shall be jointly and severally liable for the amount of [the judgment] **the compensatory damages and noneconomic damages portion of the judgment** rendered against [such] defendants **only if such defendant is found to bear ten percent or more of fault. In an action for damages where there is a finding of liability for an intentional tort, any defendant held liable for an intentional tort shall be jointly and severally liable for the amount of the compensatory and noneconomic damages portion of the judgment rendered against such defendants. In all tort actions for damages, a defendant may not be jointly and severally liable for more than the percentage of compensatory and noneconomic damages for which fault is attributed to such defendant by the trier of fact if the plaintiff is found to bear fifty-one percent or more of fault. A defendant may not be jointly or severally liable for more than the percentage of punitive damages for which fault is attributed to such defendant by the trier of fact.**

[2. In all tort actions for damages in which

fault is assessed to plaintiff the defendants shall be jointly and severally liable for the amount of the judgment rendered against such defendants except as follows:

(1) In all such actions in which the trier of fact assesses a percentage of fault to the plaintiff, any party, including the plaintiff, may within thirty days of the date the verdict is rendered move for reallocation of any uncollectible amounts;

(2) If such a motion is filed the court shall determine whether all or part of a party's equitable share of the obligation is uncollectible from that party, and shall reallocate any uncollectible amount among the other parties, including a claimant at fault, according to their respective percentages of fault;

(3)] The party whose uncollectible amount is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment[;].

[(4) No amount shall be reallocated to any party whose assessed percentage of fault is less than the plaintiff's so as to increase that party's liability by more than a factor of two;

(5) If such a motion is filed, the parties may conduct discovery on the issue of collectibility prior to a hearing on such motion;

(6) Any order of reallocation pursuant to this section shall be entered within one hundred twenty days after the date of filing such a motion for reallocation. If no such order is entered within that time, such motion shall be deemed to be overruled;

(7) Proceedings on a motion for reallocation shall not operate to extend the time otherwise provided for post-trial motion or appeal on other issues.

Any appeal on an order or denial of reallocation shall be taken within the time provided under applicable rules of civil procedure and shall be consolidated with any other appeal on other issues in the case.

3. This section shall not be construed to expand or restrict the doctrine of joint and several liability except for reallocation as provided in subsection 2.]

538.205. As used in sections 538.205 to 538.230, the following terms shall mean:

(1) "Economic damages", damages arising from pecuniary harm including, without limitation, medical damages, and those damages arising from lost wages and lost earning capacity;

(2) "Equitable share", the share of a person or entity in an obligation that is the same percentage of the total obligation as the person's or entity's allocated share of the total fault, as found by the trier of fact;

(3) "Future damages", damages that the trier of fact finds will accrue after the damages findings are made;

(4) "Health care provider", any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility **including those licensed under chapter 198, RSMo**, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate;

(5) "Health care services", any services that a health care provider renders to a patient in the ordinary course of the health care provider's profession or, if the health care provider is an institution, in the ordinary course of furthering the purposes for which the institution is organized. Professional services shall include, but are not limited to, transfer to a patient of goods or services incidental or pursuant to the practice of the health care provider's profession or in furtherance of the purposes for which an institutional health care provider is organized;

(6) "Medical damages", damages arising from reasonable expenses for necessary drugs, therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative services;

(7) "Noneconomic damages", damages arising from nonpecuniary harm including, without limitation, pain, suffering, mental anguish, inconvenience, physical impairment, disfigurement, loss of capacity to enjoy life, and loss of consortium but shall not include punitive damages;

(8) "Past damages", damages that have accrued when the damages findings are made;

(9) "Physician employee", any person or entity who works for hospitals for a salary or under contract and who is covered by a policy of insurance or self-insurance by a hospital for acts performed at the direction or under control of the hospital;

(10) "Punitive damages", damages intended to punish or deter willful, wanton or malicious misconduct;

(11) "Self-insurance", a formal or informal plan of self-insurance or no insurance of any kind.

538.210. 1. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than three hundred fifty thousand dollars [per occurrence] for noneconomic damages [from any one defendant as defendant is defined in subsection 2 of this section] **irrespective of the number of defendants.**

2. ["Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes.] **Such limitation shall also apply to any other individual or entity that is a defendant in a lawsuit brought against a health care provider pursuant to this chapter, or that is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services.**

3. No hospital or other health care provider shall be liable to any plaintiff based solely on the actions or omissions of any other entity or person who is not an employee of that hospital or other health care provider.

[3.] **4.** In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

[4.] **5. Beginning on August 28, 2004,** the limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

6. For purposes of sections 538.205 to 538.230, any spouse claiming damages for loss of consortium of their spouse shall be considered to be the same plaintiff as their spouse.

[5.] **7.** Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition.

8. For purposes of sections 538.205 to 538.230, all individuals and entities asserting a claim for a wrongful death pursuant to section 537.080, RSMo, shall be considered to be one plaintiff.

538.225. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services, the plaintiff or [his] **the plaintiff's** attorney shall file an affidavit with the court stating that he **or she** has obtained the written opinion of a legally qualified health care provider which states that the defendant health care provider failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition. **The written opinion shall be subject to in camera**

review at the request of any defendant for a determination of whether the health care provider offering such an opinion meets the qualifications set forth in subsection 6 of this section.

2. The affidavit shall state the qualifications of such health care providers to offer such opinion.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended **for a period of time not to exceed an additional ninety days.**

5. If the plaintiff or his attorney fails to file such affidavit the court [may] **shall**, upon motion of any party, dismiss the action against such moving party without prejudice.

6. As used in this section, the term "legally qualified health care provider" means a health care provider licensed in this state or any other state in substantially the same profession and certified in substantially the same specialty as the defendant.

538.226. 1. The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person and made to that person or to the family of that person shall be inadmissible as evidence of an admission of liability in a civil action. A statement of fault, however, which is part of, or in addition to, any of the provisions of this subsection shall not be inadmissible pursuant to this section.

2. For the purposes of this section:

(1) "Benevolent gestures", actions which convey a sense of compassion or commiseration emanating from humane impulses;

(2) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of a parent, or spouse's parents of an injured party.

Section 1. If any provision of this act is found by a court of competent jurisdiction to be invalid or unconstitutional it is the stated intent of the legislature that the legislature would have approved the remaining portions of the act, and the remaining portions of the act shall remain in full force and effect.

Section 2. The provisions of this act shall only apply to causes of action filed after August 28, 2004.

[355.176. 1. A corporation's registered agent is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the corporation.

2. If a corporation has no registered agent, or the agent cannot with reasonable diligence be served, the corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the corporation at its principal office shown in the most recent annual report filed pursuant to section 355.856. Service is perfected under this subsection on the earliest of:

(1) The date the corporation receives the mail;

(2) The date shown on the return receipt, if signed on behalf of the corporation; or

(3) Five days after its deposit in the United States mail, if mailed and correctly addressed with first class postage affixed.

3. This section does not prescribe the only means, or necessarily the required means, of serving a corporation.]

[508.040. Suits against corporations shall be commenced either in the county where the cause of action accrued, or in case the corporation defendant is a railroad company owning, controlling or operating a railroad running into or

through two or more counties in this state, then in either of such counties, or in any county where such corporations shall have or usually keep an office or agent for the transaction of their usual and customary business.]

[508.070. 1. Suit may be brought against any motor carrier which is subject to regulation pursuant to chapter 390, RSMo, in any county where the cause of action may arise, in any town or county where the motor carrier operates, or judicial circuit where the cause of action accrued, or where the defendant maintains an office or agent, and service may be had upon the motor carrier whether an individual person, firm, company, association, or corporation, by serving process upon the director, division of motor carrier and railroad safety.

2. When a summons and petition are served upon the director, division of motor carrier and railroad safety, naming any motor carrier, either a resident or nonresident of this state, as a defendant in any action, the director shall immediately mail the summons and petition by registered United States mail to the motor carrier at the business address of the motor carrier as it appears upon the records of the commission. The director shall request from the postmaster a return receipt from the motor carrier to whom the registered letter enclosing copy of summons and petition is mailed. The director shall inform the clerk of the court out of which the summons was issued that the summons and petition were mailed to the motor carrier, as herein described, and the director shall forward to the clerk the return receipt showing delivery of the registered letter.

3. Each motor carrier not a resident of this state and not maintaining an office or agent in this state shall, in writing, designate the director as its authorized agent upon whom legal service may be had in all actions arising in this state from any operation of the motor vehicle pursuant to authority of any certificate or permit, and service shall be had upon the nonresident motor carrier as herein provided.

4. There shall be kept in the office of the director, division of motor carrier and railroad safety a permanent record showing all process served, the name of the plaintiff and defendant, the court from which the summons issued, the name and title of the officer serving the same, the day and the hour of service, the day and date on which petition and summons were forwarded to the defendant or defendants by registered letter, the date on which return receipt is received by the director, and the date on which the return receipt was forwarded to the clerk of the court out of which the summons was issued.]

[508.120. No defendant shall be allowed a change of venue and no application by a defendant to disqualify a judge shall be granted unless the application therefor is made before the filing of his answer to the merits, except when the cause for the change of venue or disqualification arises, or information or knowledge of the existence thereof first comes to him, after the filing of his answer in which case the application shall state the time when the cause arose or when applicant acquired information and knowledge thereof, and the application must be made within five days thereafter.]" ; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment and is dilatory.

Senator Jacob raised a second point of order that the offering of the substitute amendment is out of order stating that Senator Bartle did not have the floor.

The points of order were referred to the President Pro Tem.

At the request of Senator Bartle, **SSA 1** for **SA 1** was withdrawn, rendering the points of order moot.

At the request of Senator Jacob, **SA 1** was
withdrawn.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 4, Section 508.010, Line 22, by striking all of said lines and inserting in lieu thereof the following:

"508.020. 1. Unless otherwise provided by law, the venue of all actions is in the county in which the offense was committed.

2. When the commission of an offense commenced in the state of Missouri is consummated without the boundaries of the state, the offender is liable to punishment therefor in Missouri; and venue in such case is in the county in which the offense was commenced, unless otherwise provided by law.

3. When the commission of an offense commenced elsewhere is consummated within the boundaries of the state of Missouri, the offender is liable to punishment in Missouri, although he was out of the state at the commission of the offense charged, if he consummated it in this state through the intervention of an innocent or guilty agent or by any other means proceeding directly from himself; and venue in such case is in the county in which the offense was consummated, unless otherwise provided by law.

4. When an offense is committed partly in one county and partly in another or the acts or effects thereof constituting or requisite to the consummation of the offense occur in two or more counties, venue is in either county.

5. When an offense is committed on the boundary of two or more counties or within a quarter of a mile thereof or when it is committed so near the boundary of two counties as to render it doubtful in which the offense was committed, venue is in either county.

6. When property is stolen in one county and carried into another, venue is in either county."; and

Further amend page 26, section 508.040, line 10, by striking said section; and

Further amend page 26, section 508.070, line 20, by striking said section; and

Further amend page 27, section 508.120, line 18, by striking said section; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Scott, **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HB 1014**, as amended and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1014**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1014**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1014

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014.
- That the House recede from its position on House Committee Substitute for House Bill No. 1014.
- That the attached Conference Committee Substitute for House Bill No. 1014, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Doyle Childers
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Chuck Purgason
/s/ Marsha Campbell
/s/ Paul LeVota

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel

NAYS--Senators--None

Absent--Senators

Cauthorn	Champion	Quick	Wheeler--4
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Absent with leave--Senator Bland--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 1014**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1014An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations,

and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2004.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Childers	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Cauthorn	Champion	Clemens	Quick--4
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

On motion of Senator Gibbons, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1703, regarding the late Sergeant Donald R. Walters, Kansas City, which was adopted.

Senator Stoll offered Senate Resolution No. 1704, regarding Jason Christopher Steffens, Fenton, which was adopted.

Senator Caskey offered Senate Resolution No. 1705, regarding Joshua Bartholomew, Whiteman Air Force Base, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph H. Collison, Democrat, 18315 Pleasant View Drive, Weston, Platte County, Missouri 64098, as Chairman and member of the Platte County Board of Election Commissioners, for a term ending January 11, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James Timothy Eck, 31 Columbus Square Drive, St. Louis City, Missouri 63101, as a member of the Missouri State Committee of Interpreters, for a term ending October 30, 2007, and until his successor is duly appointed and qualified; vice, Loretta Durham, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul Thomas Mechsner, 2811 East Imperial, Springfield, Greene County, Missouri 65804, as a member of the Missouri State Board of Accountancy, for a term ending August 13, 2008, and until his successor is duly appointed and qualified; vice, Sharon Edison, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kristin M. Perry, Republican, 15068 Pike 138, P.O. Box 418, Bowling Green, Pike County, Missouri 63334, as a member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George R. Rose, Republican, 4905 Northwest Hillside Drive, Riverside, Platte County, Missouri 64150, as a member of the Platte County Board of Election Commissioners, for a term ending January 11, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George E. Walley, Jr., Democrat, 36 Holiday Drive, Hannibal, Marion County, Missouri 63401, as a member of the Mississippi River Parkway Commission, for a term ending April 15, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elaina M. Wolzak, 3200 S. Fallbrook Court, Blue Springs, Jackson County, Missouri 64015, as a member of the Missouri State Board of Pharmacy, for a term ending April 6, 2009, and until her successor duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

The Senate paused for a moment of silence in memory of Margaret Towson.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Jacob the above amendment was withdrawn.

Senator Nodler assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Stoll	Vogel	Yeckel--28
	Absent--Senators		
Coleman	Dolan	Goode	Quick
Steelman	Wheeler--6		
	Absent with leave--Senators--None		

Senator Steelman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Pages 4-7, Section 508.010, by striking said section and inserting in lieu thereof the following:

"508.010. Suits instituted by summons shall, except as otherwise provided by law, be brought:

(1) When the defendant is a resident of the state, either in the county within which the defendant resides, or in the

county within which the plaintiff resides, and the defendant may be found;

(2) When there are several defendants, and they reside in different counties, the suit may be brought in any such county;

(3) When there are several defendants, some residents and others nonresidents of the state, suit may be brought in any county in this state in which any defendant resides;

(4) When all the defendants are nonresidents of the state, suit may be brought in any county in this state;

(5) Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant or defendants reside, or in the county suing and where the defendants, or one of them, may be found;

(6) In all tort actions, **other than actions brought against a health care provider as provided in subdivision (7) of this section**, the suit may be brought in the county where the cause of action accrued regardless of the residence of the parties, and process therein shall be issued by the court of such county and may be served in any county within the state; provided, however, that in any action for defamation or for invasion of privacy the cause of action shall be deemed to have accrued in the county in which the defamation or invasion was first published;

(7) Suits against a health care provider, as defined in section 538.205, RSMo, as a defendant or codefendant shall be commenced in the county where the cause of action accrued."

Senator Steelman moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 4, Section 508.010, Line 22, by striking said section; and

Further amend page 17, section 538.205, line 17, by inserting at the end of said line the following "**538.206. Any other provision of law notwithstanding, any action brought pursuant to this chapter shall be brought in a county in which the health care services were rendered or in which a defendant resides. If the health care services were not rendered within the state and if no defendant resides within the state, the action may be brought in any county.**"; and

Further amend page 26, section 508.040, line 10, by striking said section; and

Further amend page 26, section 508.070, line 20, by striking said section; and

Further amend page 27, section 508.120, line 18, by striking said section; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Scott requested a roll call vote be taken on the adoption of **SSA 1** for **SA 3** and was joined in his request by Senators Bartle, Coleman, Shields and Gibbons.

At the request of Senator Jacob, **SSA 1** for **SA 3** was withdrawn.

Senator Jacob offered **SSA 2** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 4, Section 508.010, Line 22 of said page, by striking all of said section from the bill; and

Further amend said bill, page 25, Section 2, line 23 of said page, by inserting immediately after said line the following:

"Section 3. Notwithstanding any other provision of law, in all actions for improper health care under chapter 538, RSMo, suits instituted by summons shall be brought:

(1) Where all defendants are nonresidents of this state, in any county in this state;

(2) Where at least one defendant is a resident of this state, suit shall be brought where any individual defendant resides or any corporate defendant maintains an office or agent for the transaction of its usual and customary business, provided that:

(a) If any individual defendant does not reside in the county in which suit is brought or in a contiguous county, or any corporate defendant does not have an office or agent for the transaction of its usual and customary business in the county where suit is brought or in a contiguous county, such individual or corporate defendant may move for transfer of the cause to the county where the cause of action accrued;

(b) The provisions of Rule 51.045 shall apply to any application for transfer under paragraph (a) of this subdivision;

(c) So long as a showing is made as described in paragraph (a) of this subdivision and the requirements of Rule 51.045 are satisfied by the moving defendant, the trial court shall transfer the cause in the county in which the cause of action accrued;

(3) In the county where the cause of action accrued."; and

Further amend page 26, Section 508.040, lines 10 to 18, by striking said lines; and

Further amend Section 508.070, page 26, line 20 to page 27, line 16, by striking said lines; and

Further amend page 27, Section 508.120, lines 18 to 29, by striking said lines; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Coleman, Kennedy and Stoll.

SSA 2 for SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Steelman
Stoll	Wheeler--14		
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons

Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Vogel	Yeckel--20
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Bartle offered **SSA 3** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 6, Section 508.010, Lines 9-10, by striking all of said lines and inserting in lieu thereof the following:

"located or in the county in which the corporation had the largest number of employees in the two years prior to the date the cause of action accrued;".

Senator Bartle moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 3** for **SA 3** is out of order as it is not a true substitute amendment because similar language could be added at the end of the bill as a new section.

The point of order was referred to the President Pro Tem.

At the request of Senator Bartle, **SSA 3** for **SA 3** was withdrawn, rendering the point of order moot.

SA 3 was again taken up.

Senator Scott requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Bartle, Cauthorn, Childers and Griesheimer.

Senator Jacob offered **SSA 4** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 4

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 25, Section 2, Line 23, by inserting after all of said line the following:

"Section 3. Notwithstanding the provisions of Section 508.010, RSMo to the contrary, suits against a health care provider, as defined in Section 538.205, RSMo, as a defendant or codefendant shall be commenced in the county where the cause of action accrued."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Callahan, Days and Stoll.

At the request of Senate Scott, **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 3** and **SSA 4** for **SA 3** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SCR 47** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1706, regarding the Cape Girardeau Career and Technology Center, which was adopted.

Senator Yeckel offered Senate Resolution No. 1707, regarding Michael P. "Mike" Fleschner, St. Louis, which was adopted.

Senator Russell offered Senate Resolution No.

1708, regarding Thomas Eugene "Gene" Cravens, Mansfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Gary Rademacher, Michael Carr, Susie Compton, Sharon Nervig, Debbie Wilson, Kristeena Whaley and Andrew Rademacher, Springfield; and Andrew was made an honorary page.

Senator Yeckel introduced to the Senate, the Physician of the Day, Dr. Stephen M. Benz, M.D. and Michael Ladevick, St. Louis County.

Senator Childers introduced to the Senate, James Bell, Hillary Bargman, Matt Helmring, and members of the Student Senate from College of the Ozarks, Point Lookout.

Senator Mathewson introduced to the Senate, Laura and Landra Pummill, Sweet Springs.

Senator Steelman introduced to the Senate, Stephanie Fleming, St. James.

Senator Bray introduced to the Senate, Linda Faddis and forty-five fourth grade students from Our Lady of the Pillar School, St. Louis.

Senator Clemens introduced to the Senate, Jennifer Jenkins, Marshfield.

Senator Nodler introduced to the Senate, Charles McGinty, Dan Haney and Edward McAllister, Joplin; and Joy Wylie and Connie White, Kansas City.

Senator Gibbons introduced to the Senate, students from Barretts Elementary School, St. Louis County.

Senator Kennedy introduced to the Senate, Paula Weaver, Brad Norris, Emily Johnson and Tom Hunt, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the Rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 855

HCS for HB 1614

HB 1444-Moore, et al

HCS for HB 1660

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1233, 840 & 1043-Dolan

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

SB 787-Childers, with SCS

SB 1277-Yeckel, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 906-Foster, with SCS

SB 888-Goode

SB 1279-Steelman, et al, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1227-Russell, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 738 & 790-Loudon, with SCS & SS for SCS

(pending)

SB 755-Shields, with SCS

SB 809-Klindt, with SCS, SS for SCS & SA 2

(pending)

SB 856-Loudon, with SCS, SS for SCS, SS for SS

for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending) HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

HS for HCS for HB 1304-Byrd, with SCS,

SS for SCS, SS for SS for SCS, SA 3 &

SSA 4 for SA 3 (pending) (Scott)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman,

with SCS (Childers)

HCS for HB 895 (Nodler)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

SB 739-Klindt, with HCS, as amended

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY--WEDNESDAY, APRIL 7, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Whatever your hand finds to do, do it with your might;..." (Ecclesiastes 7:10)

Gracious God, You have given us a life to live and work to perform, health to our bodies and discipline for our minds in order to do what You require to the best of our ability. Help us to live in such a way that we bring You glory and steadfast faithfulness to the tasks ahead. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

INTRODUCTION OF GUESTS

President Pro Tem Kinder introduced to the Senate, Major General Michael W. Symanski, Commanding General 89th Regional Readiness Command, who assumed the dais and addressed the members of the Senate.

President Pro Tem Kinder assumed the Chair.

Senator Shields assumed the Chair.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1709, regarding Tommy Hull, which was adopted.

Senator Scott offered Senate Resolution No. 1710, regarding the late Thomas M. O'Sullivan, which was adopted.

Senator Scott offered Senate Resolution No. 1711, regarding Sheriff Bill Griffitt, Barton County, which was adopted.

Senator Loudon offered Senate Resolution No. 1712, regarding the R.A.V.E. Program at Walker Elementary School, Hazelwood, which was adopted.

Senator Shields offered Senate Resolution No. 1713, regarding Sherrill Kelsey, which was adopted.

Senator Clemens offered Senate Resolution No. 1714, regarding Mayor Jimmy Crisp, Seymour, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1715, regarding Lauren Miller, Mexico, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 3** and **SSA 4** for **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 4 for **SA 3** was again taken up.

Senator Jacob moved that **SSA 4** for **SA 3** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Steelman
Stoll	Wheeler--14		
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Yeckel--19	
Absent--Senator Childers--1			
Absent with leave--Senators--None			

At the request of Senator Scott, **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 3** (pending) was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired the Senate was called to order by Senator Nodler.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1716, regarding the Adams Park Community Center and National Youth Service Day 2004, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1070**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 938**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 923**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1622**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 1399**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 1347**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 1363**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1291**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 985**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 1246**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HB 970**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HS** for **HCS** for **HB 1290**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 1233, 840 and 1043**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **HS** for **HCS** for **HB 1304**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Steelman, the above amendment was withdrawn.

At the request of Senator Scott, **SS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was withdrawn.

Senator Scott offered **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1304

An Act to repeal sections 355.176, 408.040, 508.010, 508.040, 508.070, 508.120, 510.263, 516.105, 537.067, 538.205, 538.210, 538.220, 538.225, and 538.300, RSMo, and to enact in lieu thereof sixteen new sections relating to claims for damages and the payment thereof.

Senator Scott moved that **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be adopted.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 15, Section 538.210, Line 27, by striking the words "August 28, 2013" and inserting in lieu thereof the following: "**August 28, 2010**".

Senator Steelman moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 15, Section 538.210, Line 27, by striking the words "August 28, 2013" and inserting in lieu thereof the following: "**August 28, 2006**".

Senator Jacob moved that the above substitute amendment be adopted.

Senator Shields assumed the Chair.

Senator Bartle assumed the Chair.

Senator Nodler assumed the Chair.

Senator Shields assumed the Chair.

On motion of Senator Jacob, **SSA 1** for **SA 1** was adopted.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 1, In the Title, Line 6 of said title, by inserting immediately after the word "thereof" the following: ", with an emergency clause for certain sections"; and

Further amend said bill and page, section A, line 7 of said page, by inserting immediately after said line the following:

"135.163. 1. For all tax years beginning on or after January 1, 2005, in order to encourage the retention of physicians and other health care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2004.

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year."; and

Further amend said bill, page 2, section 355.176, line 14 of said page, by inserting immediately after said line the following:

"379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

- (1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;
- (2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;
- (3) Insurance against loss or damage to aircraft;
- (4) All forms of motor vehicle insurance; and
- (5) All forms of life, accident and health, [and] workers' compensation insurance, **and medical malpractice liability insurance.**

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

3. Commercial property and commercial casualty insurance policies are subject to rate and form filing requirements as provided in section 379.321.

383.112. Any insurer or self-insured health care provider that fails to timely report claims information as required by sections 383.100 to 383.125 shall be subject to the provisions of section 374.215, RSMo.

383.150. As used in sections 383.150 to 383.195, the following terms shall mean:

- (1) "Association" [means], the joint underwriting association established pursuant to the provisions of sections 383.150 to 383.195;
- (2) **"Competitive bidding process", a process under which the director seeks, and insurers may submit, rates at**

which insurers guarantee to provide medical malpractice liability insurance to any health care provider unable to obtain such insurance in the voluntary market;

(3) "Director" [means], the director of the department of insurance;

[(3)] (4) "Health care provider" includes physicians, dentists, clinical psychologists, pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants, chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical technicians, hospitals, nursing homes and extended care facilities; but shall not include any nursing service or nursing facility conducted by and for those who rely upon treatment by spiritual means alone in accordance with the creed or tenets of any well-recognized church or religious denomination;

[(4)] (5) "Medical malpractice insurance" [means], insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider;

[(5)] (6) "Net direct premiums" [means], gross direct premiums written on casualty insurance in the state of Missouri by companies authorized to write casualty insurance under chapter 379, RSMo 1969, in the state of Missouri, less return premiums thereon and dividends paid or credited to policyholders on such direct business.

383.151. When the department determines after a public hearing that medical malpractice liability insurance is not reasonably available for health care providers in the voluntary market, the director shall establish a method for providing such insurance to such health care providers. The director may:

(1) Establish a competitive bidding process under which insurers may submit rates at which they agree to insure such health care providers; or

(2) Establish any other method reasonably designed to provide insurance to such health care providers.

383.200. 1. As used in sections 383.200 to 383.225, the following terms mean:

(1) "Director", the same meaning as such term is defined in section 383.100;

(2) "Health care provider", the same meaning as such term is defined in section 383.100;

(3) "Insurer", an insurance company licensed in this state to write liability insurance, as described in section 379.010, RSMo;

(4) "Medical malpractice insurance", the same meaning as such term is defined in section 383.200.

2. The following standards and procedures shall apply to the making and use of rates pertaining to all classes of medical malpractice insurance:

(1) Rates shall not be excessive, inadequate, or unfairly discriminatory. A rate is excessive if it is unreasonably high for the insurance provided. A rate is inadequate if it is unreasonably low for the insurance provided and continued use of it would endanger the solvency of the company. A rate is unfairly discriminatory if it does not reflect equitably differences in reasonably expected losses and expenses;

(2) (a) Every insurer that desires to increase a rate by less than fifteen percent shall file such rate, along with data supporting the rate change as prescribed by the director, no later than thirty days after such rate becomes effective. Filings under this paragraph shall not be subject to approval or disapproval by the director.

(b) Every insurer that desires to increase a rate by fifteen percent or more shall submit a complete rate application to the director. A complete rate application shall include all data supporting the proposed rate and such other information as the director may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this act.

(c) Every insurer that has filed a rate increase under paragraph (a) of this subdivision for two consecutive years and in the third year desires to file a rate increase which in the aggregate over the three-year period will equal or exceed a total rate increase of forty percent or more shall be required to submit a complete rate application under paragraph (b) of this subdivision.

(d) Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the fourth year in an amount not to exceed a twenty-five percent increase without being required to submit a complete rate application under paragraph (b) of this subdivision;

(3) The director of insurance shall promulgate rules setting forth standards that insurers shall adhere to in calculating their rates. Such rules shall:

(a) Establish a range within which an expected rate of return shall be presumed reasonable;

(b) Establish a range within which categories of expenses shall be presumed reasonable;

(c) Establish a range for the number of years of experience an insurer may consider in determining an appropriate loss development factor;

(d) Establish a range for the number of years of experience an insurer may consider in determining an appropriate trend factor;

(e) Establish a range for the number of years of experience an insurer may consider in determining an appropriate increased limits factor;

(f) Establish the proper weights to be given to different years of experience;

(g) Establish the extent to which an insurer may apply its subjective judgment in projecting past cost data into the future;

(h) Establish any other standard deemed reasonable and appropriate by the director;

(4) The director shall require an insurer to submit with any rate change application:

(a) A comparison, in a form prescribed by the director, between the insurer's initial projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which such data is available;

(b) A memorandum explaining the methodology the insurer has used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect. The director shall disapprove any rate application that does not fully reflect all such income;

(5) The director shall notify the public of any application from an insurer seeking a rate increase of fifteen percent or more, and shall hold a hearing on such application within forty-five days of such notice. The application shall be deemed approved ninety days after such notice unless it is disapproved by the director after the hearing;

(6) If after a hearing the director finds any rate of an insurer to be excessive, the director may order that the insurer discontinue the use of the rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

3. For insurers required to file pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, if there is insufficient experience within the state of Missouri upon which a rate can be based with respect to the classification to which such rate is applicable, the director may approve a rate increase that considers experiences within any other state or states which have a similar cost of claim and frequency of claim experience

as this state. If there is insufficient experience within Missouri or any other states which have similar cost of claim and frequency of claim experience as Missouri, nationwide experience may be considered. The insurer in its rate increase filing shall expressly show the rate experience it is using.

4. All information provided to the director under this section shall be available for public inspection.

5. The remedies set forth in this chapter shall be in addition to any other remedies available under statutory or common law.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

383.205. For all medical malpractice insurance policies written for insureds in the state of Missouri, the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one.

383.210. In determining the premium paid by any health care provider, a medical malpractice insurer shall apply a credit or debit based on the provider's loss experience, or shall establish an alternative method giving due consideration to the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance. No medical malpractice insurer may use any rate or charge any premiums unless it has filed such schedule or alternative method with the director of insurance and the director has approved such schedule or alternative method. A debit shall be based only on those claims that have been paid on behalf of the provider.

383.215. On or before March first of each year, every insurer providing medical malpractice insurance to a health care provider shall file the following information with the director of insurance:

(1) Information on closed claims:

(a) The number of new claims reported during the preceding calendar year, and the total amounts of reserve for such claims and for allocated loss adjustment expenses in connection with such claims;

(b) The number of claims closed during the preceding year, and the amount paid on such claims, detailed as follows:

a. The number of claims closed each year with payment, and the amount paid on such claims and on allocated loss adjustment expenses in connection with such claims;

b. The number of claims closed each year without payment, and the amount of allocated loss adjustment expenses in connection with such claims;

(2) Information regarding judgments, payment, and severity of injury in connection with judgements:

(a) For each judgment rendered against an insurer for more than one hundred thousand:

a. The amount of the judgment and the amount actually paid to the plaintiff;

b. The category of injury suffered by the plaintiff. Injuries shall be categorized as follows:

Category 1: Temporary injury, emotional only.

Category 2: Temporary insignificant injury, including lacerations, contusions, minor scars, and rash.

Category 3: Temporary minor injury, including infections, missed fractures, and falls in hospitals.

Category 4: Temporary major injury, including burns, left surgical material, drug side effects, and temporary brain damage.

Category 5: Permanent minor injury, including loss of fingers, and loss or damage to organs.

Category 6: Permanent significant injury, including deafness, loss of limb, loss of eye, and loss of one kidney or lung.

Category 7: Permanent major injury, including paraplegia, blindness, loss of two limbs, and brain damage.

Category 8: Permanent grave injury, including quadriplegia, severe brain damage, and any injury requiring lifelong care or having a fatal prognosis.

Category 9: Death;

(3) Information on each rate change implemented during the preceding five-year period by state and medical specialty;

(4) Information on premiums and losses by medical specialty:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics by medical specialty;

(b) Number of providers insured in each medical specialty;

(5) Information on premiums and losses by experience of the insured:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics as follows:

a. As to all insureds with no incidents within the preceding five-year period;

b. As to all insureds with one incident within the preceding five-year period;

c. As to all insureds with two incidents within the preceding five-year period;

d. As to all insureds with three or more incidents within the preceding five-year period;

(b) Number of providers insured:

a. With no incidents within the preceding five-year period;

b. With one incident within the preceding five-year period;

c. With two incidents within the preceding five-year period;

d. With three or more incidents within the preceding five-year period;

(6) Information on the performance of the investments of the insurer, including the value of the investments held in the portfolio of the insurer as of December thirty-first of the preceding calendar year, and the rate of return on such investments, detailed by category of investment as follows:

- (a) United States government bonds;**
- (b) Bonds exempt from federal taxation;**
- (c) Other unaffiliated bonds;**
- (d) Bonds of affiliates;**
- (e) Unaffiliated preferred stock;**
- (f) Preferred stock of affiliates;**
- (g) Unaffiliated common stock;**
- (h) Common stock of affiliates;**
- (i) Mortgage loans;**
- (j) Real estate; and**
- (k) Any additional categories of investments specified by the director of insurance.**

383.220. 1. On or before July 1, 2005, and after consultation with the medical malpractice insurance industry, the director shall establish an interactive Internet site which will enable any health care provider licensed in this state to obtain a quote from each medical malpractice insurer licensed to write the type of coverage sought by the provider.

2. The Internet site shall enable health care providers to complete an online form that captures a comprehensive set of information sufficient to generate a quote for each insurer. The director shall develop transmission software components which allow such information to be formatted for delivery to each medical malpractice insurer based on the requirements of the computer system of the insurer.

3. The director shall integrate the rating criteria of each insurer into its online form after consultation with each insurer using one of the following methods:

- (1) Developing a customized interface with the insurer's own rating engine;**
- (2) Accessing a third-party rating engine of the insurer's choice;**
- (3) Loading the insurer's rating information into a rating engine operated by the director;**
- (4) Any other method agreed on between the director and the insurer.**

4. After a health care provider completes the online form, the provider will be presented with quotes from each medical malpractice insurer licensed to write the coverage requested by the provider.

5. Quotes provided on the Internet site shall at all times be accurate. When an insurer changes its rates, such rate changes shall be implemented at the Internet site by the director, in consultation with the insurer, as soon as practicable but in no event later than ten days after such changes take effect. During any period in which an insurer has changed its rates but the director has not yet implemented such changed rates on the Internet site, quotes for that insurer shall not be obtainable at the Internet site.

6. The director shall design the Internet site to incorporate user-friendly formats and self-help guideline

materials, and shall develop a user-friendly Internet user-interface.

7. The Internet site shall also provide contact information, including address and telephone number, for each medical malpractice insurer for which a provider obtains a quote at the Internet site.

8. By December 31, 2005, the director shall submit a report to the general assembly on the development, implementation, and affects of the Internet site established by this section. The report shall be based on:

- (1) The director's consultation with health care providers, medical malpractice insurers, and other interested parties; and
- (2) The director's analysis of other information available to the director, including a description of the director's views concerning the extent to which the information provided through the Internet site has contributed to increasing the availability of medical malpractice insurance and the effect the Internet site has had on the cost of medical malpractice insurance.

383.225. Each insurer shall file with the director of insurance new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision of this act.

383.230. Insurers writing medical malpractice insurance shall provide insured health care providers with written notice of any increase in renewal premium rates at least ninety days prior to the date of the renewal. At a minimum, the notice shall be sent by first class mail at least ninety days prior to the date of renewal and shall contain the insured's name, the policy number for the coverage being renewed, the total premium amount being charged for the current policy term, and the total premium amount being charged to renew the coverage.

383.600. 1. Sections 383.600 to 383.655 shall be known as the "Missouri Physicians Mutual Insurance Company Act".

2. As used in sections 383.600 to 383.655 the following words mean:

- (1) "Administrator", the chief executive officer of the Missouri physicians mutual insurance company;
- (2) "Board", the board of directors of the Missouri physicians mutual insurance company;
- (3) "Company", the Missouri physicians mutual insurance company.

383.610. The "Missouri Physicians Mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a state agency. The company shall have the powers granted a general not-for-profit corporation pursuant to section 355.131, RSMo. The company shall be a member of the Missouri property and casualty guaranty association, sections 375.771 to 375.799, RSMo, and as such will be subject to assessments therefrom, and the members of such association shall bear responsibility in the event of the insolvency of the company. The company shall be established pursuant to the provisions of sections 383.600 to 383.655. The company shall use flexibility and experimentation in the development of types of policies and coverages offered to physicians and their employees, subject to the approval of the director of the department of insurance.

383.615. 1. There is hereby created a board of directors for the company. The board shall be appointed by January 1, 2005, and shall consist of nine members appointed or selected as provided in this section. The governor shall appoint the initial nine members of the board with the advice and consent of the senate. Each director shall serve a seven-year term. Terms shall be staggered so that no more than one director's term expires each year on the first day of July. The nine directors initially appointed by the governor shall determine their initial terms by lot. At the expiration of the term of any member of the board, the company's policy

holders shall elect a new director in accordance with provisions determined by the board.

2. Any person may be a director who:

(1) Does not have any interest as a stockholder, employee, attorney, agent, broker, or contractor of an insurance entity who writes medical liability insurance, or whose affiliates write medical liability insurance;

(2) Is of good moral character and who has never pleaded guilty to, or been found guilty of a felony;

(3) Is not employed by or affiliated with, the state of Missouri, any hospital, health maintenance organization, or other entity providing any type of insurance in this state.

3. There shall be one member from each congressional district of the state. Further, two members shall be doctors of osteopathic medicine duly licensed to practice in the state of Missouri, three members shall be medical doctors licensed to practice in this state, one member shall be a nurse licensed to practice in this state, one member shall be an attorney licensed to practice by the Missouri supreme court, and one member shall have insurance experience.

4. The board shall annually elect a chairman and any other officers it deems necessary for the performance of its duties. Board committees and subcommittees may also be formed.

5. The company shall pay to the board members their expenses incurred in the business of the company or the board and a stipend in a sum set by the board, but not more than one thousand dollars per meeting or the board or committee or subcommittee thereof attended by the member.

383.620. 1. By January 1, 2005, the board shall hire an administrator who shall serve at the pleasure of the board and the company shall be fully prepared to be in operation by January 1, 2005, and assume its responsibilities by that date. The administrator shall receive compensation as established by the board and must have such qualifications as the board deems necessary. The administrator shall not be a physician.

2. The board is vested with full power, authority, and jurisdiction over the company. The board may perform all acts necessary or convenient in the administration of the company or in connection with the insurance business to be carried on by the company. In this regard, the board is empowered to function in all aspects as a governing body of a private insurance carrier.

383.625. 1. The administrator of the company shall act as the company's chief executive officer. The administrator shall be in charge of the day-to-day operations and management of the company.

2. Before entering the duties of office, the administrator shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the company.

3. The administrator or the administrator's designee shall be the custodian of the moneys of the company and all premiums, deposits, or other moneys paid thereto shall be deposited with a financial institution as designated by the administrator.

4. No board member, officer, or employee of the company is liable in a private capacity for any act performed or obligation entered into when done in good faith, without intent to defraud, and in an official capacity in connection with the administration, management, or conduct of the company or affairs relating to it.

383.630. The board shall have full power and authority to establish rates to be charged by the company for insurance. The board shall contract for the services of or hire an independent actuary, a member in good standing with the American Academy of Actuaries, to develop and recommend actuarially sound rates. Rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The company shall conduct a program that shall be neither more nor less than self-supporting.

383.635. The board shall formulate and adopt an investment policy and supervise the investment activities of the company. The administrator may invest and reinvest the surplus or reserves of the company subject to the limitations imposed on domestic insurance companies by state law. The company may retain an independent investment counsel. The board shall periodically review and appraise the investment strategy being followed and the effectiveness of such services. Any investment counsel retained or hired shall periodically report to the board on investment results and related matters.

383.640. Any insurance producer licensed to sell professional negligence insurance in this state shall be authorized to sell insurance policies for the company in compliance with the bylaws adopted by the company and upon the approval of the board. The board shall establish a schedule of commissions to pay for the services of the producer.

383.645. 1. The administrator shall formulate, implement, and monitor a program to decrease medical negligence by physicians and their staff for all policyholders.

2. The company shall have representatives whose sole purpose is to develop, with policyholders and the professional organizations related to the medical field, education and training seminars and other programs that provide training to physicians and their staffs.

3. The administrator or board may refuse to insure, or may terminate the insurance of any subscriber who refuses to attend such seminars or training or refuses to require their staff to attend such seminars or training as required by the board for its policyholders. The cost of said training seminars or a part thereof may be paid by the company.

383.650. 1. The company shall not receive any state appropriations, directly or indirectly, except as provided in this section.

2. After October 1, 2004, ten million dollars of the moneys received from the master settlement agreement, as defined in section 196.1000, RSMo, shall be used to make loans for start-up funding and initial capitalization of the company. The state legislature shall place such moneys in a special fund under the supervision of the Missouri state treasurer called the "Physicians Mutual Insurance Company Loan Fund" in the appropriations for the appropriate fiscal year. The board of the company shall make application to the treasurer for the loans, stating the amount to be loaned to the company. The loans shall be for a term of ten years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758, RSMo.

3. In order to provide funds for the creation, continued development, and operation of the company, the board is authorized to issue revenue bonds from time to time, in a principal amount outstanding not to exceed fifty million dollars at any given time, payable solely from premiums received from insurance policies and other revenues generated by the company.

4. The board may issue bonds to refund other bonds issued pursuant to this section.

5. The bonds shall have a maturity of no more than ten years from the date of issuance. The board shall determine all other terms, covenants, and conditions of the bonds, except that no bonds may be redeemed prior to maturity unless the company has established adequate reserves for the risks it has insured.

6. The bonds shall be executed with the manual or facsimile signature of the administrator or the chairman of the board and attested by another member of the board. The bonds may bear the seal, if any, of the company.

7. The proceeds of the bonds and the earnings of those proceeds shall be used by the board for the development and operation of the Missouri Physicians Mutual Insurance Company, to pay expenses incurred in the preparation, issuance, and sale of the bonds and to pay any obligations relating to the bonds and the proceeds of the bonds under the United States Internal Revenue Code of 1986, as amended.

8. The bonds may be sold at a public sale or a private sale. If the bonds are sold at a public sale, the notice of sale and other procedures for the sale shall be determined by the administrator or the company.

9. This section is full authority for the issuance and sale of the bonds and the bonds shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale and shall be incontestable in the hands of bona fide purchasers or holders of the bonds for value.

10. An amount of money from the sources specified in subsection 3 of this section sufficient to pay the principal of and any interest on the bonds as they become due each year shall be set aside and is hereby pledged for the payment of the principal and interest on the bonds.

11. The bonds shall be legal investment for any person or board charged with the investment of public funds and may be accepted as security for any deposit of public money, and the bonds and interest thereon are exempt from taxation by the state and any political subdivision or agency of the state.

12. The bonds shall be payable by the company, which shall keep a complete record relating to the payment of the bonds.

13. Not more than fifty percent of the bonds sold shall be sold to public entities.

383.655. 1. The board shall cause an annual audit of the books of accounts, funds, and securities of the company to be made by a competent and independent firm of certified public accountants, the cost of the audit to be charged against the company. A copy of the audit report shall be filed with the director of the department of insurance and the administrator. The audit shall be open to the public for inspection.

2. The board shall submit an annual independently audited report in accordance with the procedures governing annual reports adopted by the National Association of Insurance Commissioners by March first of each year and the report shall be delivered to the governor and the general assembly and shall indicate the business done by the company during the previous year and contain a statement of the resources and liabilities of the company.

3. The administrator shall annually submit to the board for its approval an estimated budget of the entire expense of administering the company for the succeeding calendar year having due regard to the business interests and contract obligations of the company.

4. The incurred loss experience and expense of the company shall be ascertained each year to include, but not be limited to, estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company. If there is an excess of assets over liabilities, necessary reserves and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared or a credit allowed to an insured policyholder, who has been insured with the company in accordance with criteria approved by the board, which may account for insured's record and claims history.

5. The department of insurance shall conduct an examination for the company in the manner and under the conditions provided by the statutes of the insurance code for the examination of insurance carriers. The board shall pay the cost of the examination as an expense of the company. The company is subject to all provisions of the statutes which relate to private insurance carriers and to the jurisdiction of the department of insurance in the same manner as private insurance carriers, except as provided by the director.

6. For the purpose of ascertaining such information as the administrator may require in the proper administration of the company, the records of each policyholder and insured of the company shall be always open to inspection by the administrator or the administrator's duly authorized agent or representative.

7. Every person provided insurance coverage by the company, upon complying with the underwriting standards adopted by the company, and upon completing the application form prescribed by the company, shall be

furnished with a policy showing the date on which the insurance becomes effective."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 23, Section 3, Line 1, by inserting at the end of the said line, the following:

"Section 4. The board shall investigate all complaints relating to the proper practice of medicine by any person holding a certificate of registration under sections two to twelve A, inclusive, or of section sixty-five so far as it relates to medicine and report the same to the proper prosecuting officers.

There shall be established within the board of registration in medicine a disciplinary unit which will be responsible for investigating complaints and prosecuting disciplinary actions against licensees, pursuant to this section. The executive director of the board shall hire such attorneys and investigators as are necessary to carry out the responsibilities of the disciplinary unit.

The board is hereby authorized and directed to develop and implement, without cost to the commonwealth, a plan for a remediation program designed to improve physicians' clinical and communication skills. The board shall promulgate rules and regulations for such remediation programs which shall include, but not be limited to, the following provisions:

- (a) the board shall offer a remediation program to physicians, on a voluntary basis, as an alternative to disciplinary action in appropriate cases as determined by the board;**
- (b) the board shall select providers of remediation and assessment services for physicians;**
- (c) the board shall make referrals of physicians to remediation and assessment providers, shall have the authority to approve individual remediation programs recommended by such providers and shall monitor the progress of each physician undertaking a remediation program;**
- (d) the board shall have the authority to determine successful completion of physician remediation programs and may make any further orders for probationary monitoring, disciplinary proceedings or other action as it deems appropriate;**
- (e) the board shall negotiate with insurance carriers, hospitals, health care providers, physicians and other affected parties to establish mechanisms for the funding of the remediation programs set forth in this paragraph; provided, however, that said board shall establish terms and conditions under which the primary financial obligation for an individual remediation program shall be borne by the affected physician.**

There shall also be established within the board of registration in medicine a risk management unit. Said risk management unit shall provide technical assistance and quality assurance programs designed to reduce or stabilize the frequency, amount and costs of claims against physicians and hospitals licensed or registered in the commonwealth. The board shall promulgate regulations requiring physicians to participate in risk management programs as a condition of licensure; provided that such regulations shall provide for an exemption from such requirements for physicians who are participating in pre-existing risk management programs that have been

approved by the board.

There shall be established within the board of registration in medicine a data repository which will be responsible for the compilation of all data required under sections five A to five J, inclusive, and any other law or regulation which requires that information be reported to the board.

The board shall collect the following information to create individual profiles on licensees, in a format created by the board that shall be available for dissemination to the public:

(a) a description of any criminal convictions for felonies and serious misdemeanors as determined by the board, within the most recent ten years. For the purposes of this subsection, a

person shall be deemed to be convicted of a crime if he pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction;

(b) a description of any charges to which a physician pleads nolo contendere or where sufficient facts of guilt were found and the matter was continued without a finding by a court of competent jurisdiction;

(c) a description of any final board disciplinary actions within the most recent ten years;

(d) a description of any final disciplinary actions by licensing boards in other states within the most recent ten years;

(e) a description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that have been taken by the hospital's governing body or any other official of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital. Only cases which have occurred within the most recent ten years shall be disclosed by the board to the public;

(f) all medical malpractice court judgments and all medical malpractice arbitration awards in which a payment is awarded to a complaining party during the most recent ten years and all settlements of medical malpractice claims in which a payment is made to a complaining party within the most recent ten years. Dispositions of paid claims shall be reported in a minimum of three graduated categories indicating the level of significance of the award or settlement. Information concerning paid medical malpractice claims shall be put in context by comparing an individual licensee's medical malpractice judgment awards and settlements to the experience of other physicians within the same specialty. Information concerning all settlements shall be accompanied by the following statement: ""Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred." Nothing herein shall be construed to limit or prevent the board from providing further explanatory information regarding the significance of categories in which settlements are reported.

Pending malpractice claims shall not be disclosed by the board to the public. Nothing herein shall be construed to prevent the board from investigating and disciplining a licensee on the basis of medical malpractice claims that are pending.

(g) names of medical schools and dates of graduation;

(h) graduate medical education;

(i) specialty board certification;

(j) number of years in practice;

(k) names of the hospitals where the licensee has privileges;

(l) appointments to medical school faculties and indication as to whether a licensee has a responsibility for graduate medical education within the most recent ten years;

(m) information regarding publications in peer-reviewed medical literature within the most recent ten years;

(n) information regarding professional or community service activities and awards;

(o) the location of the licensee's primary practice setting;

(p) the identification of any translating services that may be available at the licensee's primary practice location;

(q) an indication of whether the licensee participates in the medicaid program.

The board shall provide individual licensees with a copy of their profiles prior to release to the public. A licensee shall be provided a reasonable time to correct factual inaccuracies that appear in such profile.

A physician may elect to have his profile omit certain information provided pursuant to clauses (l) to (n), inclusive, concerning academic appointments and teaching responsibilities, publication in peer-reviewed journals and professional and community service awards. In collecting information for such profiles and in disseminating the same, the board shall inform physicians that they may choose not to provide such information required pursuant to said clause (l) to (n), inclusive."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 18, Section 538.213, Line 9, by inserting after all of said line the following:

"6. Beginning on August 28, 2006, the limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 21, Section 538.225, Lines 16-20, by striking all of said lines from the bill and inserting in lieu thereof the following:

"6. As used in this section, the term "legally qualified health care provider" means a health care provider

licensed in this state or any other state in substantially the same profession and specialty as the defendant.".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 23, Section 3, Line 1, by inserting at the end of said line, the following:

"Section 4. In all tort actions based on improper health care, the parties shall make a good faith effort to engage in mediation, which shall be conducted by a trained mediator selected from a list approved by the circuit court. The parties shall advise the circuit court in writing that mediation took place. If mediation is not successful, the parties shall set forth in writing to the circuit court their good faith efforts to conduct mediation."; and

Further amend said title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Caskey, Days, Jacob and Mathewson.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Childers	Coleman	Days	Dolan
Foster	Goode	Jacob	Kennedy
Mathewson	Quick	Stoll--15	
NAYS--Senators			
Bartle	Cauthorn	Champion	Clemens
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--17			
Absent--Senators			
Dougherty	Wheeler--2		
Absent with leave--Senators--None			

Senator Gibbons offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 2, Section 355.176, Line 14, of said page, by inserting immediately after said line the following:

"383.010. 1. Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379, RSMo, any three or more persons, residents of this state, being licensed under the provisions of chapter 330, 331, 332, 334, 335, 336, 338 or 339, RSMo, or under rule 8 of the supreme court of Missouri or architects licensed pursuant to chapter 327, RSMo, may, as provided in sections 383.010 to 383.040, form a business entity for the purpose of providing malpractice insurance or indemnification for such persons upon the assessment plan, and upon compliance with section 379.260, RSMo, liability and automobile insurance as defined in subdivisions (1) and (3) of section 379.230, RSMo, may be provided upon the

assessment plan to those persons licensed pursuant to chapter 197, RSMo, and for whom medical malpractice insurance is provided under this section, except that automobile insurance shall be provided only for ambulances as defined in section 190.100, RSMo. Hospitals, public or private, whether incorporated or not, as defined in chapter 197, RSMo, if licensed by the state of Missouri, professional corporations formed under the provisions of chapter 356, RSMo, for the practice of law and corporations, copartnerships or associations licensed under the provisions of chapter 339, RSMo, may also become members of any such entity. The term "persons" as used in sections 383.010 to 383.040 includes such hospitals, professional corporations and real estate business entities.

2. Anything in this section to the contrary notwithstanding, any persons duly licensed under the provisions of the laws of any other state who, if licensed under any similar provisions of the laws of this state, would be eligible to become members and insureds of an entity created under the authority of this section, may become members and insureds of such an entity, irrespective of whether such persons are residents of this state; provided, however, that any such persons must be employed by, or be a partner, shareholder or member of, a professional corporation, corporation, copartnership or association insured by or to be insured by such an entity.

3. **Except as provided in this subsection**, notwithstanding any provision of law which might be construed to the contrary, sections 379.882 and 379.888, RSMo, defining "commercial casualty insurance", shall not include professional malpractice insurance policies issued by any insurer in this state. **Sections 379.882 to 379.888, RSMo, defining "commercial casualty insurance" shall include policies providing professional malpractice insurance or indemnification to any health care provider, as defined in section 538.205, RSMo, issued by any insurer in this state, including associations established under sections 383.010 to 383.040.**

383.035. 1. Any association licensed pursuant to the provisions of sections 383.010 to 383.040 shall be subject to the provisions of the following provisions of the revised statutes of Missouri:

(1) Sections 374.010, 374.040, 374.046, 374.110, 374.115, 374.122, 374.170, 374.210, 374.215, 374.216, 374.230, 374.240, 374.250 and 374.280, RSMo, relating to the general authority of the director of the department of insurance;

(2) Sections 375.022, 375.031, 375.033, 375.035, 375.037 and 375.039, RSMo, relating to dealings with licensed agents and brokers;

(3) Sections 375.041 and 379.105, RSMo, relating to annual statements;

(4) Section 375.163, RSMo, relating to the competence of managing officers;

(5) Section 375.246, RSMo, relating to reinsurance requirements, except that no association shall be required to maintain reinsurance, and for insurance issued to members who joined the association on or before January 1, 1993, an association shall be allowed credit, as an asset or as a deduction from liability, for reinsurance which is payable to the ceding association's insured by the assuming insurer on the basis of the liability of the ceding association under contracts reinsured without diminution because of the insolvency of the ceding association;

(6) Section 375.390, RSMo, relating to the use of funds by officers for private gain;

(7) Section 375.445, RSMo, relating to insurers operating fraudulently;

(8) Section 379.080, RSMo, relating to permissible investments, except that limitations in such section shall apply only to assets equal to such positive surplus as is actually maintained by the association;

(9) Section 379.102, RSMo, relating to the maintenance of unearned premium and loss reserves as liabilities, except that any such loss reserves may be discounted in accordance with reasonable actuarial assumptions;

(10) Sections 379.882 to 379.893, RSMo, relating to commercial casualty insurance;

(11) Subsection 6 of section 379.321, RSMo, relating to commercial casualty rate filing and notice requirements; and

(12) Sections 374.202 to 374.207, RSMo, relating to the examination powers of the director of insurance.

2. Any association which was licensed pursuant to the provisions of sections 383.010 to 383.040 on or before January 1, 1992, shall be allowed until December 31, 1995, to comply with the provisions of this section as they relate to investments, reserves and reinsurance.
3. Any association licensed pursuant to the provisions of sections 383.010 to 383.040 shall file with its annual statement a certification by a fellow or an associate of the Casualty Actuarial Society. Such certification shall conform to the National Association of Insurance Commissioners annual statement instructions unless otherwise provided by the director of the department of insurance.
4. The director of the department of insurance shall have authority in accordance with section 374.045, RSMo, to make all reasonable rules and regulations to accomplish the purpose of sections 383.010 to 383.040, including the extent to which insurance provided by an association may be extended to provide payment to a covered person resulting from a specific illness possessed by such covered person; except that no rule or regulation may place limitations or restrictions on the amount of premium an association may write or on the amount of insurance or limit of liability an association may provide.
5. Other than as provided in this section, no other insurance law of the state of Missouri shall apply to an association licensed pursuant to the provisions of this chapter, unless such law shall expressly state it is applicable to such associations.
6. If, after August 28, 1992, and after its second full calendar year of operation, any association licensed under the provisions of sections 383.010 to 383.040 shall file an annual statement which shows a surplus as regards policyholders of less than zero dollars, or if the director of the department of insurance has other conclusive and credible evidence more recent than the last annual statement indicating the surplus as regards policyholders of an association is less than zero dollars, the director of the department of insurance may order such association to submit, within ninety days following such order, a voluntary plan under which the association will restore its surplus as regards policyholders to at least zero dollars. The director of the department of insurance may monitor the performance of the association's plan and may order modifications thereto, including assessments or rate or premium increases, if the association fails to meet any targets proposed in such plan for three consecutive quarters.
7. If the director of the department of insurance issues an order in accordance with subsection 6 of this section, the association may, in accordance with chapter 536, RSMo, file a petition for review of such order. Any association subject to an order issued in accordance with subsection 6 of this section shall be allowed a period of three years, or such longer period as the director may allow, to accomplish its plan to restore its surplus as regards policyholders to at least zero dollars. If at the end of the authorized period of time the association has failed to restore its surplus to at least zero dollars, or if the director of the department of insurance has ordered modifications of the voluntary plan and the association's surplus has failed to increase within three consecutive quarters after such modification, the director of the department of insurance may allow an additional time for the implementation of the voluntary plan or may exercise his powers to take charge of the association as he would a mutual casualty company pursuant to sections 375.1150 to 375.1246, RSMo. Sections 375.1150 to 375.1246, RSMo, shall apply to associations licensed pursuant to sections 383.010 to 383.040 only after the conditions set forth in this section are met. When the surplus as regards policyholders of an association subject to subsection 6 of this section has been restored to at least zero dollars, the authority and jurisdiction of the director of the department of insurance under subsections 6 and 7 of this section shall terminate, but this subsection may again thereafter apply to such association if the conditions set forth in subsection 6 of this section for its application are again satisfied.
8. Any association licensed pursuant to the provisions of sections 383.010 to 383.040 shall place on file with the director of the department of insurance, except as to excess liability risks which by general custom are not written according to manual rates or rating plans, a copy of every manual of classifications, rules, underwriting rules and rates, every rating plan and every modification of the foregoing which it uses. Filing with the director of the department of insurance within ten days after such manuals, rating plans or modifications thereof are effective shall be sufficient compliance with this subsection. Any rates, rating plans, rules, classifications or systems in effect or in use

by an association on August 28, 1992, may continue to be used by the association. Upon written application of a member of an association, stating his reasons therefor, filed with the association, a rate in excess of that provided by a filing otherwise applicable may be used by the association for that member.

383.400. 1. As used in sections 383.400 to 383.407, the term "insurer" or "insurers" means any insurance company, mutual insurance company, medical malpractice association, any entity created under this chapter, or other entity providing any insurance to any health care provider, as defined in section 538.205, RSMo, practicing medicine in the state of Missouri, against claims for malpractice or professional negligence.

2. Notwithstanding any other provision of law, no insurer shall, with regards to medical malpractice insurance, as defined in section 383.150:

(1) Charge an assessment or surcharge, or increase the premium charges, by more than one thousand dollars for such insurance without first providing written notice by United States mail to the insured at least sixty days prior to the effective date of such actions;

(2) Fail or refuse to renew the aforesaid insurance without first providing written notice by United States mail to the insured at least sixty days prior to the effective date of such actions, unless such failure or refusal to renew is based upon a failure to pay sums due or a termination or suspension of the health care provider's license to practice medicine in the state of Missouri; or

(3) Cease the issuance of such policies of insurance in the state of Missouri without first providing written notice by United States mail to the insured and to the Missouri department of insurance at least one hundred eighty days prior to the effective date of such actions.

383.401. The Missouri department of insurance shall, prior to May 30, 2005, establish between twelve and twenty risk-reporting categories for medical malpractice insurance premiums, as defined in section 383.150, and shall establish regulations for the reporting of all premiums charged by such categories.

383.402. All insurers shall, with regards to medical malpractice insurance as defined in section 383.150, provide to the Missouri department of insurance, beginning on June 1, 2005, and not less than annually thereafter, an accurate report as to the actual rates charged by such company for such insurance, for each of the risk-reporting categories established in section 383.401.

383.403. Not later than December 31, 2006, and at least annually thereafter, the Missouri department of insurance shall, utilizing the information provided pursuant to section 383.402 establish and publish, a market rate reflecting the median of the actual rates charged for each of the aforesaid risk-reporting categories for the preceding year.

383.404. After January 1, 2007, insurance premium rates charged by any insurer, with regards to medical malpractice insurance as defined in section 383.150, which are no greater than twenty percent higher, or twenty percent lower than the market rate established pursuant to section 383.403, shall be presumed to be reasonable.

383.405. After January 1, 2007, insurance premium rates charged by any insurer, with regards to medical malpractice insurance as defined in section 383.150, which are greater than twenty percent higher, or twenty percent lower than the market rate established pursuant to section 383.403, shall be presumed to be unreasonable.

383.406. 1. As used in this section, "director" means the director of the department of insurance.

2. If any insurer proposes to increase or decrease the premium rates so that they are presumed to be unreasonable under section 383.405 for medical malpractice insurance as defined in section 383.150, the insurer shall notify the director in writing at least sixty days prior to the effective date of the proposed premium rate change. The notice shall include a detailed description of the proposed premium rate change, actuarial justification for the premium rate change, and such other information as the director may prescribe by rule.

3. Within ten days of receipt of the notice from the insurer, the director shall set a date for a hearing on the proposed premium rate change and shall publish notice of the hearing. The date set for the hearing shall be within thirty days after receipt of the notice from the insurer. The director shall provide a copy of any information filed by the insurer under subsection 2 of this section to any person making a written request for such information. The hearing may, at the director's discretion, be a public hearing.

4. At the hearing, the insurer may provide additional information in support of its proposed premium rate change, and any member of the public may provide information in support of or in opposition to the proposed premium rate change.

5. Within twenty days after the close of the hearing, the director shall review all of the information submitted and determine whether the proposed premium rate change is justified. No rate shall be considered justified that is excessive, inadequate, or unfairly discriminatory. If the director determines that the rate is justified, the director shall issue an order authorizing the insurer to use the premium rate as proposed. If the director determines that the rate is not justified, the director shall issue an order prohibiting the use of the premium rate as proposed. The insurer may appeal the order under chapter 536, RSMo.

383.407. 1. If the director finds that any insurer or filing organization has violated any provision of sections 383.400 to 383.406, the director may impose a penalty of not more than five hundred dollars for each violation, but if the director finds the violation to be willful, the director may impose a penalty of not more than five thousand dollars for each violation. Such penalties may be in addition to any other penalty provided by law.

2. The director may suspend the license of any rating organization or insurer that fails to comply with an order of the director relating to sections 383.400 to 383.406 within the time limited by such order, or any extension thereof which the director may grant. The director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until the order has been affirmed. The director may determine when a suspension of license shall become effective and it shall remain in effect for a period fixed by the director, unless the director modifies or rescinds such suspension or until the order upon which such suspension is based is modified, rescinded, or reversed.

3. No penalty shall be imposed or no license shall be suspended or revoked except upon a written order of the director, stating the director's findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, be read the 3rd time and finally passed.

Senator Scott was recognized to close.

President Pro Tem Kinder referred **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **HB 883**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1029**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway for veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1114**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1454**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Pemiscot to the city of Caruthersville.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1462**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Stoddard to the city of Bernie.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1003**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1004**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1008**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1010**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1012**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries

and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1717, regarding Dolores Stegner, Pilot Grove, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Billy Mawhiney and Derick English, Springfield.

Senator Shields introduced to the Senate, Tom and Nanette Corso, St. Joseph.

On behalf of Senator Klindt and himself, Senator Shields introduced to the Senate, Dirck Clark, Savannah.

Senator Cauthorn introduced to the Senate, Richard Thomas, Monroe; and Jeff Hedberg, Centralia.

Senator Nodler introduced to the Senate, Melissa Ralston, Melissa Winston and Jennifer Brown, Joplin.

Senator Scott introduced to the Senate, Liz Blackburn and students from Northwest High School, Hughesville.

Senator Stoll introduced to the Senate, Karen Almany and her children, Nathan and Tyler, Festus; and Ron and Kelly Ott and their children, Nicole and Patrick, Madison; and Nathan, Tyler, Nicole and Patrick were made honorary pages.

Senator Dougherty introduced to the Senate, Lauren Nowatske, Tessa O'Neill and Olivia Hunter, St. Louis; and Lauren, Tessa and Olivia were made honorary pages.

Senator Russell introduced to the Senate, his son, Doug, daughter-in-law, Kim and their son, Jordan, Lebanon; and Jordan was made an honorary page.

Senator Kennedy introduced to the Senate, Miriam Axelbaum, Olivette; Gracie Hinson, Shrewsbury; and twenty-seven sixth grade students from The College School, Webster Groves; and Miriam and Gracie were made honorary pages.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Joseph Hanaway, M.D., St. Louis County.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 855

HCS for HB 1614

HB 1444-Moore, et al

HCS for HB 1660

HCS for HB 883

HB 1029-Henke

HB 1114-Skaggs

HB 1454-Swinger, et al

HB 1462-Bean, et al

HB 1001-Bearden

HS for HCS for HB 1002-Bearden

HS for HCS for HB 1003-Bearden

HS for HCS for HB 1004-Bearden

HS for HCS for HB 1005-Bearden

HS for HCS for HB 1006-Bearden

HS for HCS for HB 1007-Bearden

HS for HCS for HB 1008-Bearden

HS for HCS for HB 1009-Bearden

HS for HCS for HB 1010-Bearden

HS for HCS for HB 1011-Bearden

HS for HCS for HB 1012-Bearden

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1233, 840 & 1043-Dolan

SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS

SJR 40-Stoll

SB 817-Kennedy and Griesheimer, with SCS

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SJR 24-Caskey and Bartle, with SCS

SB 1370-Nodler

SJR 41-Kinder, et al, with SCS

SB 717-Childers

SB 1183-Dolan, with SCS

SB 1254-Klindt, with SCS

SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS

SB 1355-Days

SB 810-Klindt, with SCS

SB 728-Steelman, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1159-Foster and Dougherty

SB 807-Loudon

SB 1023-Griesheimer

SB 1166-Caskey

SB 1076-Caskey

SB 787-Childers, with SCS

SB 1277-Yeckel, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 906-Foster, with SCS

SB 888-Goode

SB 1279-Steelman, et al, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1227-Russell, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 738 & 790-Loudon, with SCS & SS for

SCS (pending)

SB 755-Shields, with SCS

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 856-Loudon, with SCS, SS for SCS,

SS for SS for SCS, SA 2 & SSA 1 for SA 2

(pending)

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

SS#2 for SS for SCS for HS for HCS for

HB 1304-Byrd (Scott) (In Fiscal Oversight) CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman, with

SCS (Childers)

HCS for HB 895 (Nodler)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with

SCS (Steelman) **BILLS IN CONFERENCE AND BILLS**

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

SB 739-Klindt, with HCS, as amended

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY--THURSDAY, APRIL 8, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"But let all who take refuge in you rejoice; let them ever sing for joy." (Psalm 5:11a)

Victorious God, as we leave for this special long weekend may we be mindful of the life giving message it offers to those who believe in Your love and the final victory over death You bestow on those who love You. May we rejoice, with those You have given us to love, this miracle You offer that will keep us together beyond the grave. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 1014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 774** and **SB 915**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SJR 25**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SJR 26**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1037**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1132**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1305**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HS** for **HCS** for **HB 1566**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1394**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1395**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 1332** and **SB 1341**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross assumed the Chair.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 44**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 45**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ellen M. Burkemper, Ph.D., as a member of the State Committee for Social Workers;

Also,

Stephen C. Del Vecchio, as a member of the Missouri State Board of Accountancy;

Also,

Cindy Lou Seyer, as a member of the Missouri Board for Respiratory Care;

Also,

Dirck Clark, as a member of the Missouri Western State College Board of Regents;

Also,

Michael F. Geisler, as a member of the State Lottery Commission;

Also,

Scott E. Ramshaw, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Thomas J. Corso, as a member of the Elevator Safety Board;

Also,

Randall C. Wright, as a member of the Tourism Commission;

Also,

Mary A. Holyoke, as a member of the Missouri Acupuncturist Advisory Committee;

Also,

Judith Sutter Hinrichs, as a member of the Missouri Gaming Commission;

Also,

Jacquelyn C. Moore, as a member of the Commission for the Missouri Senior Rx Program;

Also,

Jeffrey A. Kerr, D.O., as a member of the State Board of Senior Services;

Also,

John William Jermyn, D.O., F.A.C.E.P., as a member of the State Advisory Council on Emergency Medical Services.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linward Appling, Democrat, 302 Ridgeway Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Public Service Commission, for a term ending October 31, 2007, and until his successor is duly appointed and qualified; vice, Bryan Forbis, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Vogel	Wheeler	Yeckel--24
NAYS--Senators			
Bray	Callahan	Caskey	Coleman
Days	Dougherty	Jacob	Stoll--8
Absent--Senator Steelman--1			
Absent with leave--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 1233, 840** and **1043** was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

SB 1234, with **SCS**, was placed on the Informal Calendar.

SJR 40 was placed on the Informal Calendar.

SB 817, with **SCS**, was placed on the Informal Calendar.

SB 1124, with **SCS**, was placed on the Informal Calendar.

SB 1128, with **SCS**, was placed on the Informal Calendar.

SJR 24, with **SCS**, was placed on the Informal Calendar.

Senator Nodler moved that **SB 1370** be taken up for perfection, which motion prevailed.

Senator Nodler offered **SS** for **SB 1370**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1370

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to energy conservation measures in public facilities.

Senator Nodler moved that **SS** for **SB 1370** be adopted.

Senator Nodler offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1370, Page 2, Section 8.237, Line 5, by striking the words "competitive sealed proposals from"; and

Further amend line 6 by striking all of said line and inserting in lieu thereof the following:

"Entities awarding the contract for competitive sealed proposals from entities that best meet the".

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SS** for **SB 1370**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SB 1370**, as amended, was declared perfected and ordered printed.

SJR 41, with **SCS**, was placed on the Informal Calendar.

SB 717, was placed on the Informal Calendar.

SB 1183, with **SCS**, was placed on the Informal Calendar.

SB 1254, with **SCS**, was placed on the Informal Calendar.

SB 1171, with **SCS**, was placed on the Informal Calendar.

SB 1116, with **SCS**, was placed on the Informal Calendar.

SB 1355, was placed on the Informal Calendar.

SB 810, with **SCS**, was placed on the Informal Calendar.

SB 728, with **SCS**, was placed on the Informal Calendar.

SB 1198, with **SCA 1**, was placed on the Informal Calendar.

SB 1213, with **SCS**, was placed on the Informal Calendar.

SB 1159, was placed on the Informal Calendar.

SB 807, was placed on the Informal Calendar.

SB 1023, was placed on the Informal Calendar.

SB 1166, was placed on the Informal Calendar.

SB 1076, was placed on the Informal Calendar.

SB 787, with **SCS**, was placed on the Informal Calendar.

SB 1277, with **SCS**, was placed on the Informal Calendar.

SB 908 and **SB 719**, with **SCS**, were placed on the Informal Calendar.

SB 906, with **SCS**, was placed on the Informal Calendar.

Senator Goode moved that **SB 888** be taken up for perfection, which motion prevailed.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 888, Page 5, Section 143.121, Line 51, by inserting after all of said line the following:

"143.431. 1. The Missouri taxable income of a corporation taxable under sections 143.011 to 143.996 shall be so much of its federal taxable income for the taxable year, with the modifications specified in subsections 2 and 3 of this section, as is derived from sources within Missouri as provided in section 143.451. The tax of a corporation shall be computed on its Missouri taxable income at the rates provided in section 143.071.

2. There shall be added to or subtracted from federal taxable income, the modifications to adjusted gross income provided in section 143.121, **with the exception of subdivision (e) of subsection 2 of section 143.121**, and the applicable modifications to itemized deductions provided in section 143.141. There shall be subtracted the federal income tax deduction provided in section 143.171. There shall be subtracted, to the extent included in federal taxable income, corporate dividends from sources within Missouri.

3. (1) If an affiliated group of corporations files a consolidated income tax return for the taxable year for federal income tax purposes and fifty percent or more of its income is derived from sources within this state as determined in accordance with section 143.451, then it may elect to file a Missouri consolidated income tax return. The federal consolidated taxable income of the electing affiliated group for the taxable year shall be its federal taxable income.

(2) So long as a federal consolidated income tax return is filed, an election made by an affiliated group of corporations to file a Missouri consolidated income tax return may be withdrawn or revoked only upon substantial change in the law or regulations adversely changing tax liability under this chapter; or, with permission of the director of revenue upon the showing of good cause for such action. After such a withdrawal or revocation with respect to an affiliated group, it may not file a Missouri consolidated income tax return for five years thereafter, except with the approval of the director of revenue, and subject to such terms and conditions as he may prescribe.

(3) No corporation which is part of an affiliated group of corporations filing a Missouri consolidated income tax return shall be required to file a separate Missouri corporate income tax return for the taxable year.

(4) For each taxable year an affiliated group of corporations filing a federal consolidated income tax return does not file a Missouri consolidated income tax return, for purposes of computing the Missouri income tax, the federal taxable income of each member of the affiliated group shall be determined as if a separate federal income tax return had been filed by each such member.

(5) The director of revenue may prescribe such regulations not inconsistent with the provisions of this chapter as he may deem necessary in order that the tax liability of any affiliated group of corporations making a Missouri consolidated income tax return, and of each corporation in the group, before, during, and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the Missouri taxable income derived from sources within this state and in order to prevent avoidance of such tax liability.

(6) The commissioner of administration shall estimate and furnish to the state treasurer the appropriate net increase in the amount of state tax revenues collected and any adjustments to previous estimates pursuant to subdivision (e) of subsection 2 of section 143.121. The treasurer shall transfer monthly from general revenue an amount equal to the estimate to the Missouri college guarantee fund established in section 173.830, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 1** is out of order, as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 1 was again taken up.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 888, Page 5, Section 143.431, Line 44, by inserting after all of said line the following:

"(6) The commissioner of administration shall estimate and furnish to the state treasurer the appropriate net increase in the amount of state tax revenues collected and any adjustments to previous estimates pursuant to subdivision (e) of subsection 2 of section 143.121. The treasurer shall transfer monthly from general revenue an amount equal to the estimate to the Missouri college guarantee fund established in section 173.830, RSMo."

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Days and Wheeler.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Coleman
Days	Jacob	Kennedy	Stoll
Wheeler--9			
NAYS--Senators			
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Yeckel--22		
Absent--Senators			
Mathewson	Quick	Vogel--3	
Absent with leave--Senators--None			

On motion of Senator Goode, **SB 888** was declared perfected and ordered printed.

Senator Steelman moved that **SB 1279**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1279**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1279

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

Was taken up.

Senator Steelman moved that **SCS** for **SB 1279** be adopted.

Senator Steelman offered **SS** for **SCS** for **SB 1279**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1279

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

Senator Steelman moved that **SS** for **SCS** for **SB 1279** be adopted.

Senator Bland offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1279, Page 21, Section 197.165, Line 13, by inserting after said line the following:

"(5) one registered professional nurse certified by the certification board of infection control and epidemiology;"
and

Further renumber the subdivisions accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **SCS** for **SB 1279**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **SB 1279**, as amended, was declared perfected and ordered printed.

SB 1221 and **SB 1305**, with **SCS**, were placed on the Informal Calendar.

Senator Stoll moved that **SB 1116**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1116**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1116

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

Was taken up.

Senator Stoll moved that **SCS** for **SB 1116** be adopted.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1116, Page 1, Section 407.1095, Lines 12-16, by striking all

of said lines and inserting in lieu thereof the following:

"(4) "Telephone solicitation", any voice, telefacsimile, graphic imaging, or data communication, including text messaging communications, for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SCS for SB 1116**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS for SB 1116**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 1166** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Caskey, **SB 1166** was declared perfected and ordered printed.

Senator Caskey moved that **SB 1076** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Caskey, **SB 1076** was declared perfected and ordered printed.

Senator Childers moved that **SB 717** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Childers, **SB 717** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1233, 840 and 1043, introduced by Senator Dolan, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1233, 840 and 1043

An Act to repeal sections 67.1800, 67.1808, 67.1818, 137.298, 301.010, 301.020, 301.025, 301.041, 301.055, 301.057, 301.058, 301.069, 301.129, 301.130, 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221, 301.227, 301.280, 301.463, 301.2999, 301.3098, 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.013, 304.035, 304.155, 304.156, 304.157, 307.100, 307.366, 390.020, 390.136, 390.340, 577.054, 577.080, 622.095, 622.618, and 643.315, RSMo, and to enact in lieu thereof ninety-five new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

Was called from the Informal Calendar and taken up.

On motion of Senator Dolan, **SS for SCS for SBs 1233, 840 and 1043** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy

Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Vogel--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 855--Aging, Families, Mental and Public Health.

HCS for HB 1614--Small Business, Insurance and Industrial Relations.

HB 1444--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for HB 1660--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for HB 883--Transportation.

HB 1029--Transportation.

HB 1114--Transportation.

HB 1454--Economic Development, Tourism and Local Government.

HB 1462--Economic Development, Tourism and Local Government.

HB 1001--Appropriations.

HS for HCS for HB 1002--Appropriations.

HS for HCS for HB 1003--Appropriations.

HS for HCS for HB 1004--Appropriations.

HS for HCS for HB 1005--Appropriations.

HS for HCS for HB 1006--Appropriations.

HS for HCS for HB 1007--Appropriations.

HS for HCS for HB 1008--Appropriations.

HS for HCS for HB 1009--Appropriations.

HS for HCS for HB 1010--Appropriations.

HS for HCS for HB 1011--Appropriations.

HS for HCS for HB 1012--Appropriations.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1718, regarding Kevin Joseph Scheier, Smithville, which was adopted.

Senator Stoll offered Senate Resolution No. 1719, regarding the Jefferson County Rescue Mission, Festus, which was adopted.

Senator Stoll offered Senate Resolution No. 1720, regarding Robert L. "Bobby" Meyers, Arnold, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Dolan and himself, the President introduced to the Senate, Craig Felzien and thirty-one scouts and adults from Boy Scout Troop 858, O'Fallon.

Senator Stoll introduced to the Senate, Diana Tonas, De Soto; and her grandchildren, Emily Dudenfoeffer, St. Louis County; and Josh Ziegler, Arnold; and Emily and Josh were made honorary pages.

Senator Vogel introduced to the Senate, ninth grade students from Simonsen Ninth Grade Center, Jefferson City.

Senator Gibbons introduced to the Senate, seventy fourth grade students from Robinson Elementary School, Kirkwood; and Adriene Columbus, Evan James, Catherine Anne Morgan and Andrew Scott were made honorary pages.

On behalf of Senator Gross and himself, Senator Dolan introduced to the Senate, Patrick and Kathy Conway, and their son, Ryan, St. Charles County; and Ryan was made an honorary page.

Senator Mathewson introduced to the Senate, Mike and Mary Ann Shields, their children, Mariah and Logan, and De Ann Hackman, Odessa; and Mariah and Logan were made honorary pages.

On behalf of Senator Vogel and himself, Senator Russell introduced to the Senate, Brent and Jennifer McGinty, and their children, Gabi and Aidan; and Dan and Alycia Haug, and their children, Abbey, Ally and Alexis, Jefferson City; and Gabi, Aidan, Abbey, Ally and Alexis were made honorary pages.

Senator Childers introduced to the Senate, students, administrators, and teachers from Shell Knob School, Shell Knob.

Senator Bray introduced to the Senate, Judy Neely and forty-five fourth grade students from Drummond Elementary School, St. Ann.

Senator Yeckel introduced to the Senate, Lauren Kuechenmeister and her mother, Karen, St. Louis County.

Senator Foster introduced to the Senate, Travis Holtmeyer, Jefferson City.

Senator Coleman introduced to the Senate, Ed Kieffer, Walter Busch, Art Johnson and Al Katzenberg from American Legion Post 397, Creve Couer.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Joel Johnson, M.D., Columbia.

Senator Scott introduced to the Senate, Heidi Osner, Lowry City.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Tuesday, April 13, 2004.

SENATE CALENDAR

FIFTY-FIRST DAY-TUESDAY, APRIL 13, 2004

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1227-Russell, et al, with SCS

SBs 774 & 915-Wheeler, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SB 1037-Steelman and Stoll, with SCS

SB 1132-Steelman, et al, with SCS

SB 1394-Vogel

SB 1395-Shields

SBs 1332 & 1341-Caskey and Mathewson,
with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1305, with SCS (Scott)

HS for HCS for HB 1566-Stefanick,
with SCS (Scott)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS & SS for SCS

(pending)

SB 755-Shields, with SCS

SB 787-Childers, with SCS

SB 807-Loudon

SB 809-Klindt, with SCS, SS for SCS & SA 2

(pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS for SS

for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1171-Griesheimer, et al, with SCS

SB 1180-Shields and Kinder, with SCS

SB 1183-Dolan, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with SCS

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman,
with SCS (Childers)

HCS for HB 895 (Nodler)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood,

with SCS (Steelman)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

SB 739-Klindt, with HCS, as amended

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIRST DAY--TUESDAY, APRIL 13, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"May integrity and uprightness preserve me for I wait for you." (Psalm 25:21)

Creator God, we return rested and ready for what will test our hearts and minds; and so we pray that we will be mindful that You call each of us to be men and women of integrity as we serve all Your people and address the many needs that confront us. Bless us with wisdom and discernment so we may prove to be faithful. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 8, 2004, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1721, regarding the One Hundredth Anniversary of the Louis A. Craig Post 18 of the Veterans of Foreign Wars, Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 1722, regarding Zachary Alexander Chinaea, St. Louis County, which was adopted.

Senator Coleman offered Senate Resolution No. 1723, regarding Barbara Ann "Barb" Schenewerk, California, which was adopted.

Senator Yeckel offered Senate Resolution No. 1724, regarding John Michael Whitehead, St. Louis County, which was adopted.

Senator Vogel offered Senate Resolution No. 1725, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Van Sciver, Jefferson City, which was adopted.

Senator Loudon offered Senate Resolution No. 1726, regarding Norm Rhea, Maryland Heights, which was adopted.

Senator Gross offered Senate Resolution No. 1727, regarding Francis Howell North High School North Star newspaper, St. Charles, which was adopted.

Senator Childers offered Senate Resolution No. 1728, regarding Jonathan Barry Norris, Walnut Shade, which was adopted.

Senator Childers offered Senate Resolution No. 1729, regarding Judy Reed, Galena, which was adopted.

Senator Childers offered Senate Resolution No. 1730, regarding Wayne Wheeler, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1731, regarding Mary Ann Broomfield, Cape Fair, which was adopted.

Senator Childers offered Senate Resolution No. 1732, regarding Marcia J. Dial, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 1733, regarding Donita K. Wilson, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 1734, regarding Kathy L. Hunter, Reeds Spring, which was adopted.

Senator Scott offered Senate Resolution No. 1735, regarding Hermitage High School, Hermitage, which was adopted.

Senator Jacob offered Senate Resolution No. 1736, regarding Anthony Johnson, Columbia, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 822**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1187**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HB 1321**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1362**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1377**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1398**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1407**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which were referred **HCS** for **HB 1456** and **HB 824**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HB 1494**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which were referred **HB 1613; HB 1445; HB 1454; HB 1462; HCS** for **HB 1471; HB 1608; HB 1612; and HB 1635**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 717; SB 888; SCS** for **SB 1116; SB 1166; SS** for **SCS** for **SB 1279; SS** for **SB 1370; and SB 1076**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 1279; SB 717; SB 888; and HS** for **HCS** for **HB 1566**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

SB 1227, with **SCS**, was placed on the Informal Calendar.

SB 774 and **SB 915**, with **SCS**, were placed on the Informal Calendar.

SJR 25 was placed on the Informal Calendar.

SJR 26 was placed on the Informal Calendar.

SB 1037, with **SCS**, was placed on the Informal Calendar.

SB 1132, with **SCS**, was placed on the Informal Calendar.

Senator Vogel moved that **SB 1394** be taken up for perfection, which motion prevailed.

On motion of Senator Vogel, **SB 1394** was declared perfected and ordered printed.

Senator Shields moved that **SB 1395** be taken up for perfection, which motion prevailed.

On motion of Senator Shields, **SB 1395** was declared perfected and ordered printed.

At the request of Senator Caskey, **SB 1332** and **SB 1341**, with **SCS**, were placed on the Informal Calendar.

Senator Griesheimer moved that **SB 1171**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1171**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1171

An Act to repeal section 21.800, RSMo, and to enact in lieu thereof eleven new sections relating to homeland security, with an emergency clause.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 1171** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1 Amend Senate Committee Substitute for Senate Bill No. 1171, Page 2, Section 21.800, Line 48, by inserting after all of said line the following:

"21.825. 1. There is hereby established a joint committee of the general assembly to be known as the "Joint Committee on Communications Interoperability and Efficiency" to be composed of five members of the senate and five members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and the minority floor leader of the senate, and the house members of the joint committee shall be appointed by the speaker and the minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than three members from the house of representatives or more than three members from the senate. A majority of the joint committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the joint committee's duties.

2. The joint committee shall be charged with making recommendations to the full general assembly in the following areas:

(1) Determining the need and feasibility of a state commission on communications operability and efficiency, and the duties and membership thereof;

(2) How any such commission may serve as an oversight body with the power of allocating state and federal communication funds to state entities; and

(3) The feasibility of a single state telecommunications network plan for all public governmental bodies within the state.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairpersonship shall alternate between members of the house and senate every two years after the joint committee's organization.

4. The joint committee shall establish one or more study groups comprised of interested parties representing public and private bodies in order to fully develop recommendations related to state communication operability and efficiency.

5. The joint committee shall meet at least quarterly and may meet at locations other than Jefferson City when the joint committee deems it necessary.

6. The joint committee shall be staffed by legislative personnel as is deemed necessary to assist the joint committee in the performance of its duties.

7. The members of the joint committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

8. The joint committee shall compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the first of February in 2005 and the fifteenth of January of each year thereafter in which the general assembly convenes in regular session and shall include any recommendations which the joint committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state departments and agencies included in the report.

9. All state departments, agencies, boards, and commissions shall cooperate with and assist the joint committee in the performance of its duties and shall make available all information requested."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1171, Page 7, Section 655.023, Line 32, by inserting after all of said line the following:

"655.024. 1. The Missouri homeland security advisory board shall have the sole authority to promulgate rules requiring peace officers as defined in subdivision 3 of section 590.010, RSMo, to reside within limits of any city with more than three hundred forty-eight thousand one hundred but less than three hundred forty-eight thousand two hundred inhabitants as a condition of employment. The board shall promulgate the least restrictive residency requirements in order to minimize the likelihood that police officers are subjected to the same disaster that may affect the entire population that they protect, when such officers are not on duty.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the

authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted.

Senator Dougherty raised the point of order that **SA 2** is out of order, as it goes beyond the intent, scope and purpose of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Griesheimer moved that **SCS** for **SB 1171**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1171**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 807** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 807, Page 1, Section 537.800, Line 4, by inserting after the first use of the word "of" the following: "**the state or**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 807, Page 2, Section 537.800, Line 39, by inserting after all of said line the following:

"7. The provisions of this section shall apply to all causes of actions."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Loudon, **SB 807**, as amended, was declared perfected and ordered printed.

Senator Dolan moved that **SB 1183**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1183**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1183

An Act to repeal section 89.410, RSMo, and to enact in lieu thereof one new section relating to regulations governing the subdivision of land.

Was taken up.

Senator Dolan moved that **SCS** for **SB 1183** be adopted.

Senator Dolan offered **SS** for **SCS** for **SB 1183**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1183

An Act to repeal section 89.410, RSMo, and to enact in lieu thereof one new section relating to regulations governing the subdivision of land.

Senator Dolan moved that **SS** for **SCS** for **SB 1183** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1183, Page 1, Section A, Line 10, by inserting after said line, the following:

"64.825. The county planning commission may also prepare, with the approval of the county commission, as parts of the official master plan or otherwise, sets of regulations governing subdivisions of land in unincorporated areas, and amend or change same from time to time as herein provided, which regulations may provide for the proper location and width of streets, building lines, open spaces, safety, recreation, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may also include the extent to which and the manner in which streets shall be graded and improved, and the extent to which water, sewer and other utility services shall be provided, to protect public health and general welfare. Such regulations may provide that in lieu of the immediate completion or installation of the work, the county planning commission may accept bond for the county commission in the amount and with surety **or other form of security** and conditions satisfactory to the county commission, providing for and securing to the county commission the actual construction of the improvements and utilities within a period specified by the county planning commission, and the county commission shall have power to enforce the bond **or other form of security** by all proper remedies. The subdivision regulations shall be adopted, changed or amended, certified and filed as provided in section 64.815. The subdivision regulations shall be adopted, changed or amended only after a public hearing has been held thereon, public notice of which shall be given in the manner as provided for the hearing in section 64.815."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **SB 1183**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **SCS** for **SB 1183**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen L. Berding, 1136 Timberline, Moberly, Randolph County, Missouri 65270, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Andrew J. Bettman, 1023 Marvilla Lane, Frontenac, St. Louis County, Missouri 63131, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2005, and until his successor is duly appointed and qualified; vice, Errol Bush, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Burton A. Boxerman, 9622 Old Bonhomme Road, St. Louis, St. Louis County, Missouri 63132, as a member of the Second State Capitol Commission, for a term ending April 18, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Norma B. Clayton, Democrat, McDonnell Blvd., P.O. Box 516, MC 100-3245, St. Louis City, Missouri 63166, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joan Kelly Horn, 2017 S. Grand Blvd. #104, St. Louis City, Missouri 63104, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John M. Houghton, Ph.D., #1 Duddin Court, Manchester, St. Louis County, Missouri 63021, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William J. Longmore, Ph.D., 517 Beaucaire Drive, Warson Woods, St. Louis County, Missouri 63122, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as a member of the Second State Capitol Commission, for a term ending April 18, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Fernando A. McGregor, Democrat, 3328 South Cochise Avenue, Independence, Jackson County, Missouri 64057, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert Allan Morantz, M.D., 17100 Highland Ridge Drive, Belton, Cass County, Missouri 64012, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John Thornton Park, Ph.D., 650 Holmes Lane, Rolla, Phelps County, Missouri 65401, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosalyn Schultz, Ph.D., 6233 Westminster Place, St. Louis City, Missouri 63130, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey W. Siria, Ph.D., 103 Old Oaks Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 8, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Aaron J. Vickar, 7451 Stanford, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri State Employees' Voluntary Life Insurance Commission, for a term ending October 7, 2006, and until his successor is duly appointed and qualified; vice, Richard Hanson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gilbert L. Alderson, 1218 Rock Road, DeSoto, Jefferson County, Missouri 63020, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert S. Arnold, Republican, #1 Cotillion Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 13, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Hugh C. Jenkins, Democrat, Route 4, Box 793, Butler, Bates County, Missouri 64730, as a member of the Land Reclamation Commission, for a term ending September 28, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1394** and **SB 1395**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1207**, entitled:

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1511**, entitled:

An Act to repeal sections 362.600, 456.010, 456.015, 456.016, 456.020, 456.030, 456.040, 456.050, 456.055, 456.060, 456.070, 456.072, 456.075, 456.080, 456.090, 456.100, 456.110, 456.120, 456.130, 456.140, 456.150, 456.160, 456.170, 456.180, 456.183, 456.185, 456.187, 456.190, 456.195, 456.200, 456.210, 456.220, 456.225, 456.230, 456.232, 456.233, 456.234, 456.235, 456.236, 456.240, 456.250, 456.260, 456.270, 456.280, 456.290, 456.300, 456.310, 456.320, 456.330, 456.340, 456.350, 456.400, 456.410, 456.420, 456.430, 456.440, 456.450, 456.460, 456.470, 456.480, 456.490, 456.500, 456.510, 456.520, 456.524, 456.530, 456.535, 456.540, 456.550, 456.560, 456.570, 456.580, 456.610, 456.620, 456.630, 456.640, 456.650, 456.660, 456.670, 456.900, 456.901, 456.902, 456.903, 456.904, 456.905, 456.906, 456.907, 456.908, 456.909, 456.910, 456.911, 456.912, 456.913, 469.401, 469.409, 469.411, 469.419, 469.423, 469.435, 469.449 and 469.453, RSMo, and to enact in lieu thereof one hundred fifty-one new sections relating to trust and estate administration.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1453**, entitled:

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 135.333, 167.020, 207.050, 207.060, 210.025, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 431.056, 452.310, 452.375, 452.400, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-four new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1737, regarding Frank Smith, Poplar Bluff, which was adopted.

Senator Days offered Senate Resolution No. 1738, regarding Ernestine C. Bates, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Sarah Wildt, St. Louis.

Senator Gibbons introduced to the Senate, Christine Krueger, Webster Groves.

Senator Dougherty introduced to the Senate, Debbie Hill, Chris Horton, and Cyndi Nason, St. Louis.

On behalf of Senator Nodler, the President introduced to the Senate, Josh Hughes, Debbie Stephens, Janice Walker, Maggie Watts, Jennifer Koester, Nellrena Boman, Heather Williams, Sharon Bradshaw, Oleg Tyurikov, Duane Bullard and Gale Ellis, representatives of Leadership Neosho.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SECOND DAY-WEDNESDAY, APRIL 14, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1207-Icet

HS for HCS for HB 1511-Byrd

HS for HCS for HB 1453-Hanaway

THIRD READING OF SENATE BILLS

SB 717-Childers

(In Fiscal Oversight)

SB 888-Goode

(In Fiscal Oversight)

SCS for SB 1116-Stoll

SB 1166-Caskey

SS for SCS for SB 1279-Steelman, et al

(In Fiscal Oversight)

SS for SB 1370-Nodler

SB 1076-Caskey

SB 1394-Vogel

SB 1395-Shields

HOUSE BILLS ON THIRD READING

HCS for HB 1305, with SCS (Scott)

HS for HCS for HB 1566-Stefanick, with SCS (Scott) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS &

SS for SCS (pending)

SB 755-Shields, with SCS

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS for SS

for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with SCS

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,
with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman,
with SCS (Childers)

HCS for HB 895 (Nodler)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood,
with SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS (Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for HB 1471,

HBs 1608, 1612 & 1635-Morris, with SCS

(Champion)

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

SB 739-Klindt, with HCS, as amended

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY--WEDNESDAY, APRIL 14, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"His compassions fail not. They are new every morning." (Lamentations 3:22-23)

Gracious God, we know that by Your grace we have been kept as children of the promise; so we ask that these be days of remembrance of Your graciousness to us so that we might likewise be gracious in our dealing with others out of gratitude to You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1739, regarding Teresa M. Tulipana, Kansas City, which was adopted.

Senator Mathewson offered Senate Resolution No. 1740, regarding Lucy Vaughn, Chariton County, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SB 1394** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 1171**; **SB 807**; and **SS** for **SCS** for **SB 1183**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SCS for **SB 1116**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1116

An Act to repeal sections 407.1095, 407.1098, 407.1101, and 407.1104, RSMo, and to enact in lieu thereof four new sections relating to the telemarketing no-call list.

Was taken up by Senator Stoll.

On motion of Senator Stoll, **SCS** for **SB 1116** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Dolan Quick--2

Absent with leave--Senator Days--1

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1166, introduced by Senator Caskey, entitled:

An Act to repeal section 49.272, RSMo, and to enact in lieu thereof one new section relating to civil fines for certain misdemeanors, with penalty provisions.

Was taken up.

On motion of Senator Caskey, **SB 1166** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Dolan Quick--2

Absent with leave--Senator Days--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Nodler moved that motion lay on the table, which motion prevailed.

SS for **SB 1370**, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1370

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to energy conservation measures in public facilities.

Was taken up.

On motion of Senator Nodler, **SS** for **SB 1370** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Dolan Dougherty--2

Absent with leave--Senator Days--1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1076, introduced by Senator Caskey, entitled:

An Act to repeal section 461.300, RSMo, and to enact in lieu thereof one new section relating to nonprobate transfers.

Was taken up.

On motion of Senator Caskey, **SB 1076** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senator Days--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

SB 1395, introduced by Senator Shields, entitled:

An Act to repeal section 143.183, RSMo, and to enact in lieu thereof one new section relating to athletes and entertainers tax.

Was taken up.

On motion of Senator Shields, **SB 1395** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

Bray

NAYS--Senators

Callahan

Dougherty

Quick--4

Absent--Senators--None

Absent with leave--Senator Days--1

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 1234**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 1234**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1234

An Act to repeal sections 100.255, 100.260, 100.270, 100.275, 100.281, 135.207, 135.215, 135.545, and 620.1039, RSMo, and to enact in lieu thereof seventeen new sections relating to job creation.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 1234** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SB 1234**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1234

An Act to repeal sections 32.105, 32.110, 71.620, 100.255, 100.260, 100.270, 100.275, 100.281, 100.710, 135.207, 135.208, 135.209, 135.215, 135.530, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, and 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-three new sections relating to economic development projects.

Senator Mathewson moved that **SS** for **SCS** for **SB 1234** be adopted.

Senator Bland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1234, Page 26, Section 100.293, Line 20 of said page, by inserting immediately after said line the following:

"7. Funds expended for projects authorized in this section shall provide appropriate employment and business opportunities for participation by minority, women, and disadvantaged business enterprises in compliance with all state laws, rules, and regulations. The office of administration, in consultation with the department of economic development and the Missouri development finance board, shall oversee and verify compliance with the provisions of this subsection."

Senator Bland moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Mathewson, **SB 1234**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1603**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1529** and **1655**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 1136**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 1422**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 1171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 1259**, begs leave to

report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 1126**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1198**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1502**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1217**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, and grants the House a conference thereon, which motion prevailed.

On motion of Senator Gibbons, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1741, regarding the Eightieth Birthday of Francis E. Turner, Savannah, which was adopted.

Senator Russell offered Senate Resolution No. 1742, regarding Helen Joanne Bolz, Camdenton, which was adopted.

Senator Kennedy offered Senate Resolution No. 1743, regarding Harvey Graef, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1744, regarding Thomas Favazza, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 1745, regarding Motorcycle Awareness Month, which was adopted.

Senator Dougherty offered Senate Resolution No. 1746, regarding the One Hundredth Birthday of Edna Williamson, St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 1747, regarding Sarah Stewart, St. Charles, which was adopted.

Senator Gibbons offered Senate Resolution No. 1748, regarding Rick Stream, Kirkwood, which was adopted.

Senator Jacob offered Senate Resolution No. 1749, regarding the Second Annual Jay Dix Challenge to Cure, which was adopted.

Senator Stoll offered Senate Resolution No. 1750, regarding Mike and Louise Sardo and the Twenty-fifth Anniversary of the Jefferson County Rescue Mission, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 1751, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Stieren, Fenton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 717**; **SS** for **SCS** for **SB 1279**; and **SB 888**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 1572**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1614**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1253**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 884**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1233**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1090**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 1440**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 998** and **905**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1508**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 1660**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1616**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1444**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 988**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 1634**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SB 717, introduced by Senator Childers, entitled:

An Act to repeal section 21.183, RSMo, and to enact in lieu thereof four new sections relating to the general assembly, with a termination date for certain sections.

Was taken up.

On motion of Senator Childers, **SB 717** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senator Kinder--1			
Absent--Senators			
Bland	Dolan	Stoll--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 888, introduced by Senator Goode, entitled:

An Act to repeal sections 143.121 and 143.431, RSMo, and to enact in lieu thereof two new sections relating to nonresident income tax.

Was taken up.

On motion of Senator Goode, **SB 888** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 1279**, introduced by Senator Steelman, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1279

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

Was taken up.

On motion of Senator Steelman, **SS** for **SCS** for **SB 1279** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Stelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Photographers from KQFX-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 1234**, with **SCS** and **SS** for **SCS**, as amended (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 1234**, as amended, was again taken up.

Senator Callahan offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1234, Page 46, Section 135.212, Line 5,

of said page by inserting immediately after "9." the following: **"(1)"; and**

Further amend said page and section, line 13 of said page, by inserting after all of said line the following:

"(2) In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one such zone in a city of the fourth classification with more than thirty thousand three hundred but less than thirty thousand seven hundred inhabitants. Such enterprise zone shall only be made if the area to be included in the enterprise zone meets all the requirements of section 135.205."

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1234, Page 52, Section 135.546, Line 25 of said page, by inserting after all of said line the following:

"135.630. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall apply to all tax years ending on or after December 31, 2004."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 3** is out of order as it goes beyond the purpose of the bill; stating that the bill's purpose is to repeal tax credits while the amendment's purpose is to create a tax credit.

Senator Days raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the original bill.

The points of order were referred to the President Pro Tem, who ruled them well taken.

Senator Loudon offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1234, Page 20, Section 100.270, Line 29 of said page, by striking the word "and"; and

Further amend said bill and section, page 21, line 2 of said page, by inserting immediately after "100.293" the following: "; **and**

(28) The board shall not require that a contractor, subcontractor, material supplier, or carrier engaged in the construction, maintenance, repair, or improvement of any structure be required to execute or otherwise become a party to any project labor agreement, or other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on any project paid for out of jobs now fund".

Senator Loudon moved that the above amendment be adopted.

Senator Kennedy raised the point of order that **SA 4** is out of order as it goes beyond the scope and intent of the bill.

Senator Gross assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Childers assumed the Chair.

Senator Jacob raised the point of order that **SA 4** is out of order as it goes beyond the scope and purpose of the original bill; stating that the subject matter is federally preempted necessitating the title to be expanded from its original intent.

The point of order was referred to the President Pro Tem.

At the request of Senator Mathewson, **SB 1234**, with **SCS, SS** for **SCS, SA 4** and the point of order (pending), was placed on the Informal Calendar.

HOUSE BILLS ON THIRD READING

HCS for **HB 1305**, with **SCS**, entitled:

An Act to repeal sections 383.010 and 383.035, RSMo, and to enact in lieu thereof ten new sections relating to insurance for health care providers in Missouri, with a contingent effective date.

Was taken up by Senator Scott.

SCS for **HCS** for **HB 1305**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1305

An Act to repeal sections 383.010, 383.015, 383.030, and 383.035, RSMo, and to enact in lieu thereof five new sections relating to malpractice insurance.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 1305** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"135.163. 1. For all tax years beginning on or after January 1, 2005, in order to encourage the retention of physicians and other health care providers in this state, an eligible taxpayer shall be allowed a credit not to exceed fifteen thousand dollars per eligible taxpayer against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount of up to fifteen percent of the increase in amount paid by an eligible taxpayer for medical malpractice insurance premiums in the aggregate from one policy period to the next immediate policy period. For purposes of this section, the base policy period for calculation of the credit shall be the medical malpractice insurance policy in effect on August 28, 2004.

2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

3. The director of the department of insurance and the director of the department of revenue shall jointly administer the tax credit authorized by this section. The director of the department of insurance shall enact procedures to verify the amount of the allowable credit and shall issue a certificate to each eligible taxpayer that certifies the amount of the allowable credit. Any taxpayer seeking the credit shall submit the required certification documents, as determined by the department of insurance, by December thirty-first of the year for which the credit will be claimed. By January thirty-first of each year, the department shall approve or disapprove the credits and equally prorate all credits, if necessary, to meet the restrictions of subsection 4 of this section. Both the director of the department of insurance and the director of the department of revenue are authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

4. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of fifteen million dollars per fiscal year.

379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections 379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;

(2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;

(3) Insurance against loss or damage to aircraft;

(4) All forms of motor vehicle insurance; and

(5) All forms of life, accident and health, [and] workers' compensation insurance, **and medical malpractice liability insurance.**

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

3. Commercial property and commercial casualty insurance policies are subject to rate and form filing requirements as provided in section 379.321."; and

Further amend said bill, page 3, section 383.010, line 53, by inserting immediately after said line the following:

"383.112. Any insurer or self-insured health care provider that fails to timely report claims information as required by sections 383.100 to 383.125 shall be subject to the provisions of section 374.215, RSMo."; and

Further amend said bill, page 7, section 383.035, line 116, by inserting immediately after said line the following:

"383.150. As used in sections 383.150 to 383.195, the following terms shall mean:

(1) "Association" [means], the joint underwriting association established pursuant to the provisions of sections 383.150 to 383.195;

(2) **"Competitive bidding process", a process under which the director seeks, and insurers may submit, rates at which insurers guarantee to provide medical malpractice liability insurance to any health care provider unable to obtain such insurance in the voluntary market;**

(3) "Director" [means], the director of the department of insurance;

[(3)] (4) "Health care provider" includes physicians, dentists, clinical psychologists, pharmacists, optometrists, podiatrists, registered nurses, physicians' assistants, chiropractors, physical therapists, nurse anesthetists, anesthetists, emergency medical technicians, hospitals, nursing homes and extended care facilities; but shall not include any nursing service or nursing facility conducted by and for those who rely upon treatment by spiritual means alone in accordance with the creed or tenets of any well-recognized church or religious denomination;

[(4)] (5) "Medical malpractice insurance" [means], insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as a result of the negligence or malpractice in rendering professional service by any health care provider;

[(5)] (6) "Net direct premiums" [means], gross direct premiums written on casualty insurance in the state of Missouri by companies authorized to write casualty insurance under chapter 379, RSMo 1969, in the state of Missouri, less return premiums thereon and dividends paid or credited to policyholders on such direct business.

383.151. When the department determines after a public hearing that medical malpractice liability insurance is not reasonably available for health care providers in the voluntary market, the director shall establish a method for providing such insurance to such health care providers. The director may:

(1) **Establish a competitive bidding process under which insurers may submit rates at which they agree to insure such health care providers; or**

(2) **Establish any other method reasonably designed to provide insurance to such health care providers.**

383.200. 1. As used in sections 383.200 to 383.225, the following terms mean:

- (1) "Director", the same meaning as such term is defined in section 383.100;**
- (2) "Health care provider", the same meaning as such term is defined in section 383.100;**
- (3) "Insurer", an insurance company licensed in this state to write liability insurance, as described in section 379.010, RSMo;**
- (4) "Medical malpractice insurance", the same meaning as such term is defined in section 383.200.**

2. The following standards and procedures shall apply to the making and use of rates pertaining to all classes of medical malpractice insurance:

- (1) Rates shall not be excessive, inadequate, or unfairly discriminatory. A rate is excessive if it is unreasonably high for the insurance provided. A rate is inadequate if it is unreasonably low for the insurance provided and continued use of it would endanger the solvency of the company. A rate is unfairly discriminatory if it does not reflect equitably differences in reasonably expected losses and expenses;**
- (2) (a) Every insurer that desires to increase a rate by less than fifteen percent shall file such rate, along with data supporting the rate change as prescribed by the director, no later than thirty days after such rate becomes effective. Filings under this paragraph shall not be subject to approval or disapproval by the director.**
(b) Every insurer that desires to increase a rate by fifteen percent or more shall submit a complete rate application to the director. A complete rate application shall include all data supporting the proposed rate and such other information as the director may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this act. No insurer that is required to file an application pursuant to this paragraph shall increase the subject rate until a rate increase has been approved pursuant to subsection 2 or 3 of this section.
(c) Every insurer that has filed a rate increase under paragraph (a) of this subdivision for two consecutive years and in the third year desires to file a rate increase which in the aggregate over the three-year period will equal or exceed a total rate increase of forty percent or more shall be required to submit a complete rate application under paragraph (b) of this subdivision.
(d) Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the fourth year in an amount not to exceed a twenty-five percent increase without being required to submit a complete rate application under paragraph (b) of this subdivision;
- (3) The director of insurance shall promulgate rules setting forth standards that insurers shall adhere to in calculating their rates. Such rules shall:**
 - (a) Establish a range within which an expected rate of return shall be presumed reasonable;**
 - (b) Establish a range within which categories of expenses shall be presumed reasonable;**
 - (c) Establish a range for the number of years of experience an insurer may consider in determining an appropriate loss development factor;**
 - (d) Establish a range for the number of years of experience an insurer may consider in determining an appropriate trend factor;**
 - (e) Establish a range for the number of years of experience an insurer may consider in determining an appropriate increased limits factor;**
 - (f) Establish the proper weights to be given to different years of experience;**

(g) Establish the extent to which an insurer may apply its subjective judgment in projecting past cost data into the future;

(h) Establish any other standard deemed reasonable and appropriate by the director;

(4) The director shall require an insurer to submit with any rate change application:

(a) A comparison, in a form prescribed by the director, between the insurer's initial projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which such data is available;

(b) A memorandum explaining the methodology the insurer has used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect. The director shall disapprove any rate application that does not fully reflect all such income;

(5) The director shall notify the public of any application from an insurer seeking a rate increase of fifteen percent or more, and shall hold a hearing on such application within forty-five days of such notice. The application shall be deemed approved ninety days after such notice unless it is disapproved by the director after the hearing;

(6) If after a hearing the director finds any rate of an insurer to be excessive, the director may order that the insurer discontinue the use of the rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

3. For insurers required to file pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, if there is insufficient experience within the state of Missouri upon which a rate can be based with respect to the classification to which such rate is applicable, the director may approve a rate increase that considers experiences within any other state or states which have a similar cost of claim and frequency of claim experience as this state. If there is insufficient experience within Missouri or any other states which have similar cost of claim and frequency of claim experience as Missouri, nationwide experience may be considered. The insurer in its rate increase filing shall expressly show the rate experience it is using.

4. All information provided to the director under this section shall be available for public inspection.

5. The remedies set forth in this chapter shall be in addition to any other remedies available under statutory or common law.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

383.205. For all medical malpractice insurance policies written for insureds in the state of Missouri, the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one.

383.210. In determining the premium paid by any health care provider, a medical malpractice insurer shall apply a credit or debit based on the provider's loss experience, or shall establish an alternative method giving due consideration to the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance. No medical malpractice insurer may use any rate or charge any premiums unless it has filed such schedule or

alternative method with the director of insurance and the director has approved such schedule or alternative method. A debit shall be based only on those claims that have been paid on behalf of the provider.

383.215. On or before March first of each year, every insurer providing medical malpractice insurance to a health care provider shall file the following information with the director of insurance:

(1) Information on closed claims:

(a) The number of new claims reported during the preceding calendar year, and the total amounts of reserve for such claims and for allocated loss adjustment expenses in connection with such claims;

(b) The number of claims closed during the preceding year, and the amount paid on such claims, detailed as follows:

a. The number of claims closed each year with payment, and the amount paid on such claims and on allocated loss adjustment expenses in connection with such claims;

b. The number of claims closed each year without payment, and the amount of allocated loss adjustment expenses in connection with such claims;

(2) Information regarding judgments, payment, and severity of injury in connection with judgements:

(a) For each judgment rendered against an insurer for more than one hundred thousand:

a. The amount of the judgment and the amount actually paid to the plaintiff;

b. The category of injury suffered by the plaintiff. Injuries shall be categorized as follows:

Category 1: Temporary injury, emotional only.

Category 2: Temporary insignificant injury, including lacerations, contusions, minor scars, and rash.

Category 3: Temporary minor injury, including infections, missed fractures, and falls in hospitals.

Category 4: Temporary major injury, including burns, left surgical material, drug side effects, and temporary brain damage.

Category 5: Permanent minor injury, including loss of fingers, and loss or damage to organs.

Category 6: Permanent significant injury, including deafness, loss of limb, loss of eye, and loss of one kidney or lung.

Category 7: Permanent major injury, including paraplegia, blindness, loss of two limbs, and brain damage.

Category 8: Permanent grave injury, including quadriplegia, severe brain damage, and any injury requiring lifelong care or having a fatal prognosis.

Category 9: Death;

(3) Information on each rate change implemented during the preceding five-year period by state and medical specialty;

(4) Information on premiums and losses by medical specialty:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics by medical specialty;

(b) Number of providers insured in each medical specialty;

(5) Information on premiums and losses by experience of the insured:

(a) Written premiums and paid losses for the preceding year, and earned premiums and incurred losses for the preceding year, with specifics as follows:

a. As to all insureds with no incidents within the preceding five-year period;

b. As to all insureds with one incident within the preceding five-year period;

c. As to all insureds with two incidents within the preceding five-year period;

d. As to all insureds with three or more incidents within the preceding five-year period;

(b) Number of providers insured:

a. With no incidents within the preceding five-year period;

b. With one incident within the preceding five-year period;

c. With two incidents within the preceding five-year period;

d. With three or more incidents within the preceding five-year period;

(6) Information on the performance of the investments of the insurer, including the value of the investments held in the portfolio of the insurer as of December thirty-first of the preceding calendar year, and the rate of return on such investments, detailed by category of investment as follows:

(a) United States government bonds;

(b) Bonds exempt from federal taxation;

(c) Other unaffiliated bonds;

(d) Bonds of affiliates;

(e) Unaffiliated preferred stock;

(f) Preferred stock of affiliates;

(g) Unaffiliated common stock;

(h) Common stock of affiliates;

(i) Mortgage loans;

(j) Real estate; and

(k) Any additional categories of investments specified by the director of insurance.

383.220. 1. On or before July 1, 2005, and after consultation with the medical malpractice insurance industry, the director shall establish an interactive Internet site which will enable any health care provider licensed in this state to obtain a quote from each medical malpractice insurer licensed to write the type of coverage sought by the provider.

2. The Internet site shall enable health care

providers to complete an online form that captures a comprehensive set of information sufficient to generate a quote for each insurer. The director shall develop transmission software components which allow such information to be formatted for delivery to each medical malpractice insurer based on the requirements of the computer system of the insurer.

3. The director shall integrate the rating criteria of each insurer into its online form after consultation with each insurer using one of the following methods:

- (1) Developing a customized interface with the insurer's own rating engine;**
- (2) Accessing a third-party rating engine of the insurer's choice;**
- (3) Loading the insurer's rating information into a rating engine operated by the director;**
- (4) Any other method agreed on between the director and the insurer.**

4. After a health care provider completes the online form, the provider will be presented with quotes from each medical malpractice insurer licensed to write the coverage requested by the provider.

5. Quotes provided on the Internet site shall at all times be accurate. When an insurer changes its rates, such rate changes shall be implemented at the Internet site by the director, in consultation with the insurer, as soon as practicable but in no event later than ten days after such changes take effect. During any period in which an insurer has changed its rates but the director has not yet implemented such changed rates on the Internet site, quotes for that insurer shall not be obtainable at the Internet site.

6. The director shall design the Internet site to incorporate user-friendly formats and self-help guideline materials, and shall develop a user-friendly Internet user-interface.

7. The Internet site shall also provide contact information, including address and telephone number, for each medical malpractice insurer for which a provider obtains a quote at the Internet site.

8. By December 31, 2005, the director shall submit a report to the general assembly on the development, implementation, and affects of the Internet site established by this section. The report shall be based on:

- (1) The director's consultation with health care providers, medical malpractice insurers, and other interested parties; and**
- (2) The director's analysis of other information available to the director, including a description of the director's views concerning the extent to which the information provided through the Internet site has contributed to increasing the availability of medical malpractice insurance and the effect the Internet site has had on the cost of medical malpractice insurance.**

383.225. Each insurer shall file with the director of insurance new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision of this act.

383.230. Insurers writing medical malpractice insurance shall provide insured health care providers with written notice of any increase in renewal premium rates at least ninety days prior to the date of the renewal. At a minimum, the notice shall be sent by first class mail at least ninety days prior to the date of renewal and shall contain the insured's name, the policy number for the coverage being renewed, the total premium amount being charged for the current policy term, and the total premium amount being charged to renew the coverage."; and

Further amend said bill, page 9, section 383.600, line 52, by inserting immediately after said line the following:

383.605. 1. Sections 383.605 to 383.655 shall be known as the "Missouri Physicians Mutual Insurance Company Act".

2. As used in sections 383.605 to 383.655 the following words mean:

- (1) "Administrator", the chief executive officer of the Missouri physicians mutual insurance company;**
- (2) "Board", the board of directors of the Missouri physicians mutual insurance company;**
- (3) "Company", the Missouri physicians mutual insurance company.**

383.610. The "Missouri Physicians Mutual Insurance Company" is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company shall be organized and operated as a domestic mutual insurance company and it shall not be a state agency. The company shall have the powers granted a general not-for-profit corporation pursuant to section 355.131, RSMo. The company shall be a member of the Missouri property and casualty guaranty association, sections 375.771 to 375.799, RSMo, and as such will be subject to assessments therefrom, and the members of such association shall bear responsibility in the event of the insolvency of the company. The company shall be established pursuant to the provisions of sections 383.605 to 383.655. The company shall use flexibility and experimentation in the development of types of policies and coverages offered to physicians and their employees, subject to the approval of the director of the department of insurance.

383.615. 1. There is hereby created a board of directors for the company. The board shall be appointed by January 1, 2005, and shall consist of nine members appointed or selected as provided in this section. The governor shall appoint the initial nine members of the board with the advice and consent of the senate. Each director shall serve a seven-year term. Terms shall be staggered so that no more than one director's term expires each year on the first day of July. The nine directors initially appointed by the governor shall determine their initial terms by lot. At the expiration of the term of any member of the board, the company's policy holders shall elect a new director in accordance with provisions determined by the board.

2. Any person may be a director who:

- (1) Does not have any interest as a stockholder, employee, attorney, agent, broker, or contractor of an insurance entity who writes medical liability insurance, or whose affiliates write medical liability insurance;**
- (2) Is of good moral character and who has never pleaded guilty to, or been found guilty of a felony;**
- (3) Is not employed by or affiliated with, the state of Missouri, any hospital, health maintenance organization, or other entity providing any type of insurance in this state.**

3. There shall be one member from each congressional district of the state. Further, two members shall be doctors of osteopathic medicine duly licensed to practice in the state of Missouri, three members shall be medical doctors licensed to practice in this state, one member shall be a nurse licensed to practice in this state, one member shall be an attorney licensed to practice by the Missouri supreme court, and one member shall have insurance experience.

4. The board shall annually elect a chairman and any other officers it deems necessary for the performance of its duties. Board committees and subcommittees may also be formed.

5. The company shall pay to the board members their expenses incurred in the business of the company or the board and a stipend in a sum set by the board, but not more than one thousand dollars per meeting or the board or committee or subcommittee thereof attended by the member.

383.620. 1. By January 1, 2005, the board shall hire an administrator who shall serve at the pleasure of the

board and the company shall be fully prepared to be in operation by January 1, 2005, and assume its responsibilities by that date. The administrator shall receive compensation as established by the board and must have such qualifications as the board deems necessary. The administrator shall not be a physician.

2. The board is vested with full power, authority, and jurisdiction over the company. The board may perform all acts necessary or convenient in the administration of the company or in connection with the insurance business to be carried on by the company. In this regard, the board is empowered to function in all aspects as a governing body of a private insurance carrier.

383.625. 1. The administrator of the company shall act as the company's chief executive officer. The administrator shall be in charge of the day-to-day operations and management of the company.

2. Before entering the duties of office, the administrator shall give an official bond in an amount and with sureties approved by the board. The premium for the bond shall be paid by the company.

3. The administrator or the administrator's designee shall be the custodian of the moneys of the company and all premiums, deposits, or other moneys paid thereto shall be deposited with a financial institution as designated by the administrator.

4. No board member, officer, or employee of the company is liable in a private capacity for any act performed or obligation entered into when done in good faith, without intent to defraud, and in an official capacity in connection with the administration, management, or conduct of the company or affairs relating to it.

383.630. The board shall have full power and authority to establish rates to be charged by the company for insurance. The board shall contract for the services of or hire an independent actuary, a member in good standing with the American Academy of Actuaries, to develop and recommend actuarially sound rates. Rates shall be set at amounts sufficient, when invested, to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The company shall conduct a program that shall be neither more nor less than self-supporting.

383.635. The board shall formulate and adopt an investment policy and supervise the investment activities of the company. The administrator may invest and reinvest the surplus or reserves of the company subject to the limitations imposed on domestic insurance companies by state law. The company may retain an independent investment counsel. The board shall periodically review and appraise the investment strategy being followed and the effectiveness of such services. Any investment counsel retained or hired shall periodically report to the board on investment results and related matters.

383.640. Any insurance producer licensed to sell professional negligence insurance in this state shall be authorized to sell insurance policies for the company in compliance with the bylaws adopted by the company and upon the approval of the board. The board shall establish a schedule of commissions to pay for the services of the producer.

383.645. 1. The administrator shall formulate, implement, and monitor a program to decrease medical negligence by physicians and their staff for all policyholders.

2. The company shall have representatives whose sole purpose is to develop, with policyholders and the professional organizations related to the medical field, education and training seminars and other programs that provide training to physicians and their staffs.

3. The administrator or board may refuse to insure, or may terminate the insurance of any subscriber who refuses to attend such seminars or training or refuses to require their staff to attend such seminars or training as required by the board for its policyholders. The cost of said training seminars or a part thereof may be paid by the company.

383.650. 1. The company shall not receive any state appropriations, directly or indirectly, except as provided in

this section.

2. After October 1, 2004, ten million dollars of the moneys received from the master settlement agreement, as defined in section 196.1000, RSMo, shall be used to make loans for start-up funding and initial capitalization of the company. The state legislature shall place such moneys in a special fund under the supervision of the Missouri state treasurer called the "Physicians Mutual Insurance Company Loan Fund" in the appropriations for the appropriate fiscal year. The board of the company shall make application to the treasurer for the loans, stating the amount to be loaned to the company. The loans shall be for a term of ten years and, at the time the application for such loans is approved by the director, shall bear interest at the annual rate based on the rate for linked deposit loans as calculated by the state treasurer pursuant to section 30.758, RSMo.

3. In order to provide funds for the creation, continued development, and operation of the company, the board is authorized to issue revenue bonds from time to time, in a principal amount outstanding not to exceed fifty million dollars at any given time, payable solely from premiums received from insurance policies and other revenues generated by the company.

4. The board may issue bonds to refund other bonds issued pursuant to this section.

5. The bonds shall have a maturity of no more than ten years from the date of issuance. The board shall determine all other terms, covenants, and conditions of the bonds, except that no bonds may be redeemed prior to maturity unless the company has established adequate reserves for the risks it has insured.

6. The bonds shall be executed with the manual or facsimile signature of the administrator or the chairman of the board and attested by another member of the board. The bonds may bear the seal, if any, of the company.

7. The proceeds of the bonds and the earnings of those proceeds shall be used by the board for the development and operation of the Missouri Physicians Mutual Insurance Company, to pay expenses incurred in the preparation, issuance, and sale of the bonds and to pay any obligations relating to the bonds and the proceeds of the bonds under the United States Internal Revenue Code of 1986, as amended.

8. The bonds may be sold at a public sale or a private sale. If the bonds are sold at a public sale, the notice of sale and other procedures for the sale shall be determined by the administrator or the company.

9. This section is full authority for the issuance and sale of the bonds and the bonds shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale and shall be incontestable in the hands of bona fide purchasers or holders of the bonds for value.

10. An amount of money from the sources specified in subsection 3 of this section sufficient to pay the principal of and any interest on the bonds as they become due each year shall be set aside and is hereby pledged for the payment of the principal and interest on the bonds.

11. The bonds shall be legal investment for any person or board charged with the investment of public funds and may be accepted as security for any deposit of public money, and the bonds and interest thereon are exempt from taxation by the state and any political subdivision or agency of the state.

12. The bonds shall be payable by the company, which shall keep a complete record relating to the payment of the bonds.

13. Not more than fifty percent of the bonds sold shall be sold to public entities.

383.655. 1. The board shall cause an annual audit of the books of accounts, funds, and securities of the company to be made by a competent and independent firm of certified public accountants, the cost of the audit to be charged against the company. A copy of the audit report shall be filed with the director of the department of insurance and the administrator. The audit shall be open to the public for inspection.

2. The board shall submit an annual independently audited report in accordance with the procedures governing annual reports adopted by the National Association of Insurance Commissioners by March first of each year and the report shall be delivered to the governor and the general assembly and shall indicate the business done by the company during the previous year and contain a statement of the resources and liabilities of the company.

3. The administrator shall annually submit to the board for its approval an estimated budget of the entire expense of administering the company for the succeeding calendar year having due regard to the business interests and contract obligations of the company.

4. The incurred loss experience and expense of the company shall be ascertained each year to include, but not be limited to, estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company. If there is an excess of assets over liabilities, necessary reserves and a reasonable surplus for the catastrophe hazard, then a cash dividend may be declared or a credit allowed to an insured policyholder, who has been insured with the company in accordance with criteria approved by the board, which may account for insured's record and claims history.

5. The department of insurance shall conduct an examination for the company in the manner and under the conditions provided by the statutes of the insurance code for the examination of insurance carriers. The board shall pay the cost of the examination as an expense of the company. The company is subject to all provisions of the statutes which relate to private insurance carriers and to the jurisdiction of the department of insurance in the same manner as private insurance carriers, except as provided by the director.

6. For the purpose of ascertaining such information as the administrator may require in the proper administration of the company, the records of each policyholder and insured of the company shall be always open to inspection by the administrator or the administrator's duly authorized agent or representative.

7. Every person provided insurance coverage by the company, upon complying with the underwriting standards adopted by the company, and upon completing the application form prescribed by the company, shall be furnished with a policy showing the date on which the insurance becomes effective."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Scott, **HCS** for **HB 1305**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended. Representatives: Byrd, Crowell, Jetton, Harris (23), Johnson (90).

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended: Senators Scott, Gibbons, Bartle, Jacob and Caskey.

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Lugenia Counce and nine students, Caruthersville; and Alyssa Counce, Kaitlyn Babcock and Caleigh Griffin were made honorary pages.

Senator Yeckel introduced to the Senate, Kathleen Salsman, seventy-five fourth grade students and adults from Forder Elementary School, Lemay; and Danny Knese, Zach Allen, and Kylie Apple were made honorary pages.

On behalf of Senator Shields, the President introduced to the Senate, Dr. Lynthia Andrews, D.O. and Dr. William F. Bowman, D.O., Platte City.

Senator Nodler introduced to the Senate, Greg Dagnan and Darren Gallup, Joplin.

Senator Nodler introduced to the Senate, Joanna and Richard Green, Joplin.

Senator Loudon introduced to the Senate, Ann LoPiccolo and fourth grade students and adults from Bellerive Elementary School, Creve Coeur; and Aaron Zuckerman, Libby Ruzicka, Sharon Han, Bianca Hardin and Erin Weinstein were made honorary pages.

Senator Champion introduced to the Senate, Larry and Ann Russell, Paul Summers and Paul Nahon, Springfield.

Senator Stoll introduced to the Senate, his wife, Kathy, his daughter, Laura Irelan, her husband, Corey, and their children, Maggie and Aidan; his daughter, Amy Meyers and her daughter, Ana Kathleen; and Dave, Delta and Andrew Vines, Jefferson County; and Maggie, Aidan and Ana were made honorary pages.

Senator Caskey introduced to the Senate, Scott and Charlotte Buerge, Nevada.

Senator Wheeler introduced to the Senate, Vic Allred and Michael Bay, Kansas City.

Senator Kennedy introduced to the Senate, Chris Schoemehl, Marty Zuniga, David Ferrario and Ann Pluemer, St. Louis.

Senator Cauthorn introduced to the Senate, Ken McCue, Mexico.

Senator Mathewson introduced to the Senate, thirty members of the First Christian Church, Sedalia.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Gerald Moritz, M.D., Bridgeton.

Senator Caskey introduced to the Senate, Emily Lange, Christopher Mart, Andrew Webb, Zac Maggi, Dan Wojciechowski and Massae Kato, University of Missouri-Columbia.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY-THURSDAY, APRIL 15, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1207-Icet

HS for HCS for HB 1511-Byrd

HS for HCS for HB 1453-Hanaway

THIRD READING OF SENATE BILLS

SB 1394-Vogel (In Fiscal Oversight)

SCS for SB 1171-Griesheimer, et al

SB 807-Loudon

SS for SCS for SB 1183-Dolan

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick, with SCS

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS &

SS for SCS (pending)

SB 755-Shields, with SCS

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS,

SS for SS for SCS, SA 2 & SSA 1 for SA 2

(pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and

Griesheimer, with SCS, SS for SCS, SA 2

& SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with SCS, SS

for SCS, SA 4 & point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

HCS for HB 1305, with SCS & SA 1 (pending)

(Scott)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman, with SCS

(Childers)

HCS for HB 895 (Nodler)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246 (Loudon)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with SCS

(Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS (Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for HB 1471,

HBs 1608, 1612 & 1635-Morris,

with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42)

HB 1217-Johnson (47), with SCS (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HCS for HBs 998 & 905, with SCS (Griesheimer)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended

SB 739-Klindt, with HCS, as amended

HS for HCS for HB 1304-Byrd, with

SS#2 for SS for SCS, as amended (Scott)

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-THIRD DAY--THURSDAY, APRIL 15, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord is just in all his ways and kind in all his doings. The Lord is near to all who call on him, to all who call on him in truth." (Psalm 145:17-18)

Almighty Father, as we work through the bills before us, help us to have that sense of justice and kindness that seeks to do what is right for Your people. And we pray for Kim Green that You will touch him with Your healing power, restore his health and strengthen him for the task ahead. As we return home to loved ones this day, may we find time with them to call upon You seeking always to honor You and speak the truth in all ways. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KSPR-Springfield 33, KOMU-TV and North Star Magazine, St. Louis were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1752, regarding Andrew L. Tramble, St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 1753, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Charles Moses, Burlington Junction, which was adopted.

Senator Klindt offered Senate Resolution No. 1754, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Morris, Hickory, which was adopted.

Senator Klindt offered Senate Resolution No. 1755, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dwayne Tarpenting, Marceline, which was adopted.

Senator Dolan offered Senate Resolution No. 1756, regarding Christopher Alan Teepe, O'Fallon, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1034**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1366**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1196**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1096**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agri-culture, Conservation, Parks and Natural Resources, to which was referred **SB 735**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agri-culture, Conservation, Parks and Natural Resources, to which was referred **SB 1153**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1185**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Childers assumed the Chair.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1317**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS for HB 1405**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1114**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1167**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS for HB 1284**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS for HB 912**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS for HB 1449**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1149**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1442**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 960**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 1029**, **HB 1438** and **HB 1610**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 826** and **HCS** for **HB 883**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HB 996**, **HB 1142**, **HCS** for **HB 1201** and **HB 1489**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1179**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 1631** and **1623**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 798**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1364**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1188**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 904**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1427**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 994**, begs leave to report that it has

considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 869**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 1192**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Shields assumed the Chair.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1048**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 46**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 47**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Bob G. Scheid, as a member of the Missouri Head Injury Advisory Council;

Also,

Christy M. Fowler, as a member of the State Board of Optometry;

Also,

Melissa DeLine Graham, as a member of the Missouri State Board of Pharmacy;

Also,

Regina M. Staves, as a member of the Children's Trust Fund Board;

Also,

Marian "Munnie" Pacino, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

Lynthia B. Andrews, D.O. and Randall J. Davis, as members of the State Advisory Council on Emergency Medical Services;

Also,

Jack Magruder, Ph.D. and Jerry W. Divin, as members of the State Fair Commission;

Also,
Warren E. Nieburg, Ph.D., as a member of the Missouri Ethics Commission;

Also,
Lee A. Richardson, Jr., as a member of the Missouri State Board of Chiropractic Examiners.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HB 1290**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **HCS** for **HB 1305**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Scott offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, Page 5, Section 383.151, Lines 22-24, by striking all of said lines and insert in lieu thereof the following: "**health care providers.**"; and

Further amend said amendment, page 10, section 383.200, line 2, by inserting after said line the following:

"7. The provisions of this section shall only apply to insurers who issue policies of medical malpractice insurance."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 2** to **SA 1**:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1305, Page 2, Section 135.163, Line 28 of said page, by inserting immediately after said line the following:

"354.001. 1. Any health services corporation, health maintenance organization, or other entity organized pursuant to this chapter shall not require, as a condition of participation in the provider network of the corporation, organization, or other entity, that a physician maintain a medical malpractice insurance policy that is deemed by the director of the department of insurance to be excessive.

2. The director of the department of insurance is authorized to promulgate rules and regulations to effectuate the purposes of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Jacob, **SA 1**, as amended, was adopted.

Senator Nodler assumed the Chair.

Senator Scott moved that **SCS** for **HCS** for **HB 1305**, as amended, be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HCS** for **HB 1305**, as amended, be read the 3rd time and finally passed.

Senator Scott was recognized to close.

President Pro Tem Kinder referred **SCS** for **HCS** for **HB 1305**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

The Senate observed a moment of silent prayer in memory of Dr. Melvin Kasten.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 755**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 755**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 755

An Act to repeal sections 160.545, 172.360, 174.020, 174.241, 174.250, 174.251, 174.253, 174.261, 174.324, and 174.450, RSMo, and to enact in lieu thereof nine new sections relating to state institutions of higher education.

Was taken up.

Senator Shields moved that **SCS** for **SB 755** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 755**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 755

An Act to repeal sections 160.545, 172.360, 174.020, 174.241, 174.250, 174.251, 174.253, 174.261, 174.324, 174.450, 174.453, and 176.010, RSMo, and to enact in lieu thereof eleven new sections relating to state institutions of higher education.

Senator Shields moved that **SS** for **SCS** for **SB 755** be adopted.

Senator Shields offered **SS** for **SS** for **SCS** for **SB 755**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 755

An Act to repeal sections 160.545, 172.035, 172.360, 174.020, 174.241, 174.250, 174.251, 174.253, 174.261, 174.324, 174.332, 174.450, 174.453, 174.750, 174.753, 174.755, 174.757, and 176.010, RSMo, and to enact in lieu thereof twenty-two new sections relating to state institutions of higher education, with a contingent effective date for certain sections.

Senator Shields moved that **SS** for **SS** for **SCS** for **SB 755** be adopted.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 5, Section 160.545, Line 22, by inserting after the period on said line the following:

"The West Plains Campus of Southwest Missouri State University as identified in Section 174.500 RSMo shall be considered a community college exclusively for the purpose of participation in all activities and reimbursements of the A+ schools program."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 4, Section 160.545, Line 27 of said page, by inserting immediately after "6." the following: **"Within the limits established in subsection 10 of this section,"**; and

Further amend said bill and section, page 5, line 2 of said page, by striking the word "or" as it appears both times on said line and inserting in lieu thereof the following: **","**; and further amend line 3 of said page, by inserting immediately after the word "school" the following: **", any private vocational, technical school, or a proprietary school as defined in sections 173.600 to 173.619, RSMo,"**; and

Further amend said bill and section, page 6, line 13 of said page, by inserting immediately after said line the following:

"10. The following requirements must be satisfied in order for private vocational, technical or proprietary schools to obtain reimbursements pursuant to subsection 6 of this section:

- (1) Such institutions must be accredited by a nationally recognized accreditation organization, as approved by the coordinating board for higher education;**
- (2) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college;**
- (3) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment to the United States Constitution; and**
- (4) Any student eligible for the A+ program may enroll in any program offered by a private vocational, technical or proprietary school, unless a community college in the county or the county adjacent offers the same or substantially similar program."**

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Shields **SB 755**, with **SCS, SS for SCS and SS for SS for SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Gross, on behalf of the conference committee appointed to act with a like committee from the House on **HS for HCS for SS for SCS for SB 730**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 730

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, with House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 2, and House Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 730;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 730, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Charles R. Gross	/s/ Dr. Charles Portwood
/s/ Michael R. Gibbons	/s/ James W. Lembke
/s/ Carl M. Vogel	/s/ Kevin Threlkeld
/s/ Wayne Goode	/s/ Robert Hilgemann
/s/ Joan Bray	/s/ Matt S. Muckler

Senator Gross moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Wheeler--2		
	Absent with leave--Senators--None		

On motion of Senator Gross, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 730**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 730

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a homestead exemption for the elderly, with an effective date and sunset provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Bland--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 774**, entitled:

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof two new sections relating to waste tires.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1617**, entitled:

An Act to amend chapter 409, RSMo, by adding thereto six new sections relating to obstruction of securities investigations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1664**, entitled:

An Act to repeal sections 347.020, 347.025, 347.039, 347.041, 347.047, 347.051, 347.055, 347.079, 347.081, 347.088, 347.129, 347.131, 347.153, 347.155, 347.159, 347.161, 347.169, 347.179, 347.725, 351.046, 351.050, 351.051, 351.055, 351.060, 351.085, 351.090, 351.095, 351.106, 351.107, 351.110, 351.115, 351.125, 351.180, 351.195, 351.200, 351.315, 351.355, 351.430, 351.435, 351.448, 351.657, 351.658, 355.011, 355.021, 355.146, 355.631, 356.071, 356.211, 358.440, 358.460, 358.490, 359.021, 359.031, 359.041, 359.121, 359.141, 359.172, 359.501, 359.531, 359.541, 417.210, 417.215, 417.217, and 417.220, RSMo, and to enact in lieu thereof sixty-five new sections relating to business entities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1665**, entitled:

An Act to repeal sections 376.309 and 409.1-102, RSMo, and to enact in lieu thereof two new sections relating to securities regulation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1195**, entitled:

An Act to repeal sections 209.309, 209.321, 209.322, 209.323, 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 328.080, 332.086, 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, 339.800, 345.015, 346.135, 436.200, 436.205, 436.209, 436.212, 544.650, 620.127, and 620.145, RSMo, and to enact in lieu thereof eighty-one new sections relating to professional registration, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1403**, entitled:

An Act to repeal sections 316.203, 316.204, 316.210, 316.218, 316.230, 316.233, and 701.377, RSMo, and to enact in lieu thereof ten new sections relating to amusement rides, with penalty provisions for certain sections and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1757, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Bachman, Novelty, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1758, regarding the Seventieth Wedding Anniversary of Mr. and Mr. Raymond Duncan, Downing, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1759, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Aloys Deters, Bowling Green, which was adopted.

Senator Childers offered Senate Resolution No. 1760, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jesse Garnett, Brandsville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Quick introduced to the Senate, Phil Willoughby, Richard Schmidt and his sons, Richard and Neal, St. Louis.

Senator Days introduced to the Senate, Alexandria Brooks, Atascadero, California.

Senator Klindt introduced to the Senate, Lindsey Hicks, Ben, Dallas, Taylor and Brett Hurst and Jessica Rolf, Tarkio.

Senator Foster introduced to the Senate, Debbie Carter and one hundred twenty eighth grade students from Doniphan Middle School, Doniphan.

Senator Gibbons introduced to the Senate, Travis Hawk and Tessa Spoto, Kirkwood; Shannon Keating, Bridgeton; Nicole Rivers, University City; Colleen Heck, Glendale; and Laura Helbling, St. Louis.

Senator Klindt introduced to the Senate, Serena Euller, Megan Conly, Emily Murphy, Korri Schmitz, Heather Simmerman, Melissa Medsker, Tabor Baumli and Daisy Workman, Nodaway County.

Senator Klindt introduced to the Senate, Betty Williams, Jordan Ripley, Sydney Heiks, Kelsey Clement, Sidney Turner, Brady Miller, Ashley Fleil, Jonathan Robertson, Tyson Miller, Hannah Brewer and Andrew Carson, representatives of the American Legion State Youth Government Day from around the state.

Senator Scott introduced to the Senate, Barbara Hagabush, Jodi Thering and seventy-seven fourth grade students from Parkview Elementary School, Sedalia.

Senator Klindt introduced to the Senate, Kyle Marcolla, Ashley Kelly, Terry Coult and Ken Stull, students from Chillicothe High School, Chillicothe.

Senator Kennedy introduced to the Senate, fourth grade students from St. Cecilia Elementary School and Dr. Frank and Dr. Mary Burton and their children, St. Louis.

Senator Shields introduced to the Senate,

students from St. Therese School, Parkville; and Megan Buri, Tara Ketchum, Nicole Phillips and Christopher Svoboda were made honorary pages.

Senator Shields introduced to the Senate, Jan Peckman and fourth and fifth grade students from St. Paul Lutheran School, St. Joseph; and Richard Barber, Peter Fortmeyer, Kyle Shade, Tyler Steele, Annie Kerns, Kayla Moeck, Elisha Siegrist, Kristian Haywood, Ashley Ellis and Corinna Edwards were made honorary pages.

Senator Klindt introduced to the Senate, the Physician of the Day, Dr. Zahid Hamid, M.D., Mound City.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, April 19, 2004.

SENATE CALENDAR

FIFTY-FOURTH DAY-MONDAY, APRIL 19, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1207-Icet

HS for HCS for HB 1511-Byrd

HS for HCS for HB 1453-Hanaway

HCS for HB 774

HCS for HB 1617

HB 1664-Hanaway, et al

HB 1665-Hanaway, et al

HS for HCS for HB 1195-Behnen

HCS for HB 1403

THIRD READING OF SENATE BILLS

SB 1394-Vogel (In Fiscal Oversight)

SCS for SB 1171-Griesheimer, et al

SB 807-Loudon

SS for SCS for SB 1183-Dolan SENATE BILLS FOR PERFECTION

SB 1034-Childers, with SCS

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick, with SCS

(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS &
SS for SCS (pending)

SB 755-Shields, with SCS, SS for SCS &
SS for SS for SCS (pending)

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS

SB 809-Klindt, with SCS, SS for SCS &
SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS,
SS for SS for SCS, SA 2 &
SSA 1 for SA 2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and
Griesheimer, with SCS, SS for SCS,
SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with SCS,

SS for SCS, SA 4 & point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,
with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)
(Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)

(In Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman,
with SCS (Childers)

HCS for HB 895 (Nodler)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246 (Loudon)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with SCS

(Steelman) (In Fiscal Oversight)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS (Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for HB 1471,

HBs 1608, 1612 & 1635-Morris, with SCS

(Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HCS for HBs 998 & 905, with SCS (Griesheimer)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs

HB 1167-Kelly (144), et al

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke,

with SCS (Dolan)

HB 826 & HCS for HB 883-Kelley (144),

with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberg, et al with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 &

HCS for HB 1280-Bivins, with SCS (Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,

as amended (Senate adopted CCR

and passed CCS)

SB 739-Klindt, with HCS, as amended

HS for HCS for HB 1304-Byrd, with SS#2 for

SS for SCS, as amended (Scott)

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FOURTH DAY--MONDAY, APRIL 19, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord will fulfill his purpose for me; your steadfast love, O Lord endures forever..." (Psalm 138:8)

Gracious God, we know that we have many pressing issues facing us this week and pressures are coming from all sides and at times they trouble us but we know that You will guide us to fulfill Your purpose for each of us. We pray for the family of Larry Jarrell, at his death, that You may comfort them in their grief and be an ever present help to them and we pray for Senator Clemens' mother, that You touch her with Your healing power, bringing her to health and wholeness once again. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 15, 2004, was read and approved.

Photographers from KSPR-TV, KMIZ-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--32
Absent with leave--Senators			
Clemens	Wheeler--2		

The Senate observed a moment of silence in memory of Larry Jarrell.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Days
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Shields	Steelman	Stoll	Vogel
Yeckel--25			
Absent--Senators			
Coleman	Dolan	Goode	Jacob--4
Absent with leave--Senators			
Bland	Clemens	Quick	Scott
Wheeler--5			

INTRODUCTION OF GUESTS

The President introduced to the Senate, Dr. Robert R. Archibald, President of the Missouri Historical Society, who assumed the dais and addressed the members of the Senate.

President Pro Tem Kinder assumed the Chair.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 1761, regarding Stephen H. Hellwig, Eureka, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1762, regarding Captain David J. Liebenguth, Sullivan, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1763, regarding the Eureka Fire Protection District, which was adopted.

Senator Klindt offered Senate Resolution No. 1764, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Marion "Bud" Gay, Rea, which was adopted.

Senator Klindt offered Senate Resolution No. 1765, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Buhler Sears, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 1766, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Wilson Serfass, Brookfield, which was adopted.

Senator Bland offered Senate Resolution No. 1767, regarding Aaliyah Ali, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 1768, regarding Norma Caldwell, Hazelwood, which was adopted.

Senator Quick offered Senate Resolution No. 1769, regarding Samuel Joseph "Sam" Butler-Hunziker, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1770, regarding Chad Elliott, Liberty, which was adopted.

Senator Bartle offered Senate Resolution No. 1771, regarding C. William Kramer, Independence, which was adopted.

Senator Vogel offered Senate Resolution No. 1772, regarding Lincoln University Women's 2004 NCAA Division II

Indoor Track and Field National Champions, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1773, regarding Sharon Wilson, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1774, regarding Vanitta "Mickie" Erhardt, Lohman, which was adopted.

Senator Vogel offered Senate Resolution No. 1775, regarding Rosemary V. Wolken, Centertown, which was adopted.

Senator Vogel offered Senate Resolution No. 1776, regarding Public Service Recognition Week, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 1394**; and **HS** for **HCS** for **HB 1290**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 1002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 1004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 1005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 1006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HCS** for **HB 1007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropri-ations, to which was referred **HS** for **HCS** for **HB 1008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropri-ations, to which was referred **HS** for **HCS** for **HB 1009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropri-ations, to which was referred **HS** for **HCS** for **HB 1010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropri-ations, to which was referred **HS** for **HCS** for **HB 1011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropri-ations, to which was referred **HS** for **HCS** for **HB 1012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields assumed the Chair.

THIRD READING OF SENATE BILLS

SB 1394, introduced by Senator Vogel, entitled:

An Act to repeal sections 32.087, 143.241, 143.782, 144.083, and 144.157, RSMo, and to enact in lieu thereof five new sections relating to tax collection.

Was taken up.

On motion of Senator Vogel, **SB 1394** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Shields
Steelman	Stoll	Vogel	Yeckel--28
NAYS--Senators--None			
Absent--Senator Childers--1			
Absent with leave--Senators			
Bland	Clemens	Quick	Scott
Wheeler--5			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SCS for **SB 1171**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1171An Act to repeal section 21.800, RSMo, and to enact in lieu thereof twelve new sections relating to homeland security, with an emergency clause.

Was taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **SCS** for **SB 1171** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Shields
Steelman	Stoll	Vogel	Yeckel--28
NAYS--Senators--None			
Absent--Senator Childers-- 1			
Absent with leave--Senators			
Bland	Clemens	Quick	Scott
Wheeler--5			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Yeckel--27	
NAYS--Senator Caskey-- 1			
Absent--Senator Childers-- 1			
Absent with leave--Senators			
Bland	Clemens	Quick	Scott
Wheeler--5			

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 807, introduced by Senator Loudon, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to civil actions.

Was taken up.

On motion of Senator Loudon, **SB 807** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Yeckel--29			
NAYS--Senators--None			
Absent--Senator Childers--1			
Absent with leave--Senators			
Bland	Clemens	Scott	Wheeler--4

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 1183**, introduced by Senator Dolan, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1183

An Act to repeal sections 64.825 and 89.410, RSMo, and to enact in lieu thereof two new sections relating to regulations governing the subdivision of land.

Was taken up.

On motion of Senator Dolan, **SS** for **SCS** for **SB 1183** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll

Vogel	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	Clemens	Scott	Wheeler--4

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1221** and **SB 1305**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1221** and **1305**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1221 and 1305

An Act to repeal section 8.665, RSMo, and to enact in lieu thereof one new section relating to the issuance of bonds.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 1221** and **1305** be adopted.

Senator Kinder offered **SS** for **SCS** for **SBs 1221** and **1305**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1221 and 1305

An Act to repeal section 8.665, RSMo, and to enact in lieu thereof one new section relating to the issuance of bonds, with a contingent effective date.

Senator Kinder moved that **SS** for **SCS** for **SBs 1221** and **1305** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 2, Section 8.665, Line 19, by striking the words "**twenty** million" and inserting in lieu thereof the following: "**forty-two** million **five hundred thousand**".

Senator Mathewson moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SS** for **SCS** for **SBs 1221** and **1305** and **SCS** for **SBs 1221** and **1305** are

out of order as they violate the single subject provision of the Constitution.

Senator Jacob raised a second point of order that **SS** for **SCS** for **SBs 1221** and **1305** is out of order as it includes additional subject matter exceeding the scope of both bills.

The points of order were referred to the President Pro Tem, who ruled them not well taken.

SA 1 was again taken up.

Senator Jacob offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, by adding at the end of said amendment the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 4, Section 8.665, Line 5, by inserting after all of said line, the following:

'Section 1. Upon the enactment of subsections 9 and 10 of section 8.665, pursuant to this act, notwithstanding any law to the contrary all of the higher education institutions which receive proceeds from the bonds issued pursuant to subsections 9 and 10 of section 8.665, shall be governed by, and subject to the authority of, the Curators of the University of Missouri as established pursuant to section 172.020, RSMo.'; and

Further amend the title and enacting clause accordingly."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 1221** and **SB 1305**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 1** to **SA 1** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Muriel A. Brison, Democrat, 5945 Old Zero Road, Berger, Gasconade County, Missouri 63014, as public member of the Public Defender Commission, for a term ending December 31, 2009, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth E. Clark, 1923 Sumter Ridge Lane, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2008, and until his successor is duly appointed and qualified; vice, Thomas Cusack, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catherine Loraine Davis, Democrat, 925 South Woodland Drive, Kansas City, Clay County, Missouri 64118, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Willie J. Ellis, Jr., Democrat, 4108 Caballo Crossing Court, Florissant, St. Louis County, Missouri 63034, as a member of the Public Defender Commission, for a term ending December 20, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diana G. Fendya, R.N., M.S.N., Democrat, 1010 Cabernet Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Emergency Response Commission, for a term ending October 15, 2008, and until her successor is duly appointed and qualified; vice, Lisa Boone, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James P. Ford, 1112 Old 63 South, Columbia, Boone County, Missouri 65201, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Betty Cooper Hearnese, 3100 E. Marshall, Charleston, Mississippi County, Missouri 63834, as a member of the Second State Capitol Commission, for a term ending April 18, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tjitski "Tish" Gay Tubbergen-Maglio, Democrat, 117 E. Washington, P.O. Box 360, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2005, and until her successor is duly appointed and qualified; vice, Dorothy "Dottie" Phelps, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jennifer Hill Nixon, Democrat, 1654 Forest View, Warson Woods, St. Louis County, Missouri 63122, as a member of the Central Missouri State University Board of Governors, for a term ending January 1, 2006, and until her successor is duly appointed and qualified; vice, Ernest Adelman, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Pfeiffer, 247 Eaglecrest Road, Camdenton, Camden County, Missouri 65020, as a member of the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 2006, and until his successor is duly appointed and qualified; vice, Robert T. Jackson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Caroline L. Pufalt, Democrat, 13415 Land O Woods Drive, #3, Chesterfield, St. Louis County, Missouri 63141, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, Frank Beller, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James K. Reinhard, Democrat, 118 W. Locust, P.O. Box 57, Paris, Monroe County, Missouri 65275, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2009, and until his successor is duly appointed and qualified; vice, Charles Donn James, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen C. Warren, 2780 Concord Drive, Florissant, St. Louis County, Missouri 63033, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, Mary Quigley, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karl Zobrist, 1232 Stratford Road, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 6, 2004 for your advice and consent:

Judith D. Riehl, 3248 Patterson Place Drive #307, St. Louis, St. Louis County, Missouri 63129, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2005, and until her successor is duly appointed and qualified; vice, Judith D. Riehl, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 1, 2004 for your advice and consent:

David G. Potter, 608 Charleston Oaks Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Missouri State Board of Nursing, for

a term ending August 13, 2004, and until his successor is duly appointed and qualified; vice, Art Bante, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 1207**--Economic Development, Tourism and Local Government.

HS for **HCS** for **HB 1511**--Judiciary and Civil and Criminal Jurisprudence.

HS for **HCS** for **HB 1453**--Aging, Families, Mental and Public Health.

HCS for **HB 774**--Ways and Means.

HCS for **HB 1617**--Judiciary and Civil and Criminal Jurisprudence.

HB 1664--Judiciary and Civil and Criminal Jurisprudence.

HB 1665--Financial and Governmental Organization, Veterans' Affairs and Elections.

HS for **HCS** for **HB 1195**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 1403**--Commerce and the Environment.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 730**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 730**.

Bill ordered enrolled.

RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1777, regarding Jim Hadel, which was adopted.

Senators Loudon, Gibbons, Griesheimer and Bray offered Senate Resolution No. 1778, regarding the Parkway School District, St. Louis County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, her mother, Mary Bray, Lubbock, Texas.

Senator Griesheimer introduced to the Senate, Bridgette Epple, Washington.

Senator Stoll introduced to the Senate, Debbie and Steve Copeland and their children, Kasondra and Kyle, Eureka.

Senator Shields introduced to the Senate, Commissioner Michael Short, Commissioner Steve Weyner and Commissioner Betty Knight, Platte County.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIFTH DAY-TUESDAY, APRIL 20, 2004

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1034-Childers, with SCS

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick,
with SCS (Cauthorn) (In Fiscal Oversight)

HB 1001-Bearden (Russell)

HS for HCS for HB 1002-Bearden,
with SCS (Russell)

HS for HCS for HB 1003-Bearden,
with SCS (Russell)

HS for HCS for HB 1004-Bearden,
with SCS (Russell)

HS for HCS for HB 1005-Bearden,
with SCS (Russell)

HS for HCS for HB 1006-Bearden,
with SCS (Russell)

HS for HCS for HB 1007-Bearden,
with SCS (Russell)

HS for HCS for HB 1008-Bearden,
with SCS (Russell)

HS for HCS for HB 1009-Bearden,
with SCS (Russell)

HS for HCS for HB 1010-Bearden,
with SCS (Russell)

HS for HCS for HB 1011-Bearden,
with SCS (Russell)

HS for HCS for HB 1012-Bearden,
with SCS (Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS &

SS for SCS (pending)

SB 755-Shields, with SCS, SS for SCS &

SS for SS for SCS (pending)

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2

(pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS, SS

for SCS, SA 1 & SA 1 to SA 1 (pending)

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)

(In Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HBs 1071, 801, 1275 & 989-Goodman, with SCS (Childers)

HCS for HB 895 (Nodler)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246 (Loudon)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with SCS
(Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS (Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al with SCS (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HCS for HBs 998 & 905, with SCS (Griesheimer)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS (Dolan)

HB 826 & HCS for HB 883-Kelley (144),

with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberg, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 &

HCS for HB 1280-Bivins, with SCS

(Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

HS for HCS for HB 1304-Byrd, with SS#2 for

SS for SCS, as amended (Scott)

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY--TUESDAY, APRIL 20, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"It is better to have a heart without words than words without a heart." (Mahatma Gandhi)

Gracious God, as we enter into the necessary debates and discrimination of the budget and bills before us, help us always to employ our heart so that what we decide has remained faithful to Your call for us to care for those in need and make provisions for what is truly needful. We give You thanks for Kim Green and pray that You will continue his healing and bring him to full health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Dolan offered Senate Resolution No. 1779, regarding Richard Oliver, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 1780, regarding the River City Rascals baseball team, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 1781, regarding Susan A. Proost, O'Fallon, which was adopted.

Senator Dolan offered Senate Resolution No. 1782, regarding Company K, 3rd Battalion, 24th Marines, 4th Marine Division, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1071, HB 801, HB 1275 and HB 989, with **SCS**, entitled respectively:

An Act to authorize the governor to convey a tract of land owned by the state to Pierce City, with an emergency clause.

An Act to authorize the governor to convey land owned by the state in the county of Pettis.

An Act to authorize the conveyance of property owned by the state in the county of Newton to the city of Neosho.

An Act to authorize the conveyance of property owned by the state in the county of Dent to the city of Salem, with an emergency clause.

Were called from the Consent Calendar and taken up by Senator Childers.

SCS for **HBs 1071, 801, 1275 and 989**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1071, 801, 1275 and 989

An Act to authorize the governor to convey certain tracts of land, with an emergency clause for certain sections.

Was taken up.

Senator Bartle assumed the Chair.

Senator Childers moved that **SCS** for **HBs 1071, 801, 1275 and 989** be adopted.

Senator Childers requested unanimous consent of the Senate to suspend the rules to offer an amendment, which request was granted.

Senator Childers offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bills Nos. 1071, 801, 1275 and 989, Page 2, Section 2, Lines 19-20, by striking said lines and inserting in lieu thereof the following: "**reasonable**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that **SCS** for **HBs 1071, 801, 1275 and 989**, as amended, be adopted, which motion prevailed.

Senator Childers moved that **SCS** for **HBs 1071, 801, 1275 and 989**, as amended, be read the 3rd time and finally passed.

Senator Childers was recognized to close.

President Pro Tem Kinder referred **SCS** for **HBs 1071, 801, 1275 and 989**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for HB 895, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of certain road districts, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Nodler.

On motion of Senator Nodler, **HCS for HB 895** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Champion	Goode--2		
Absent with leave--Senators			
Clemens	Griesheimer	Wheeler--3	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Childers	Goode--3	
Absent with leave--Senators			
Clemens	Griesheimer	Wheeler--3	

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1001, introduced by Representative Bearden, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund, and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

On motion of Senator Russell, **HB 1001** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel--29			
NAYS--Senators--None			
Absent--Senators			
Childers	Kennedy	Yeckel--3	
Absent with leave--Senators			
Griesheimer	Wheeler--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

On motion of Senator Gibbons, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Photographers from the Chart-MSSU, Joplin were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1002**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1002**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1002** be adopted.

A quorum was established by the following vote:

	Present--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--28
	Absent--Senators		
Bland	Dolan	Dougherty	Quick
Stoll--5			
	Absent with leave--Senator Wheeler--1		

Senator Childers assumed the Chair.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 2, Section 2.015, Line 4, by deleting the number "1,799,536,395" and insert in lieu thereof the number "1,803,536,395"; and further amend said section, line 5, by deleting the number "372,555,326" and inserting in lieu thereof the number "374,555,326"; and further amend said section, line 13, by deleting the number "98,880,607" and inserting in lieu thereof the number "106,880,607"; and further amend said section, line 12, by deleting the number "2,246,588,881" and inserting in lieu thereof the number "2,244,588,881"; and further amend said bill, section 2.295, line 4, by deleting the number "1,945,401,669" and inserting in lieu thereof the number "1,943,401,669"; and amend section and bill totals accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 2, Section 2.015, Line 4, by striking the dollar amount "\$1,799,536,395" and inserting in lieu thereof the following dollar amount "\$1,817,560,541"; and

Further amend same page, same section, line 5, by striking the dollar amount "\$372,555,326" and inserting in lieu thereof the following dollar amount "\$375,405,326"; and

Further amend same page, same section, line 8, by striking the dollar amount "\$35,526,150" and inserting in lieu thereof the following dollar amount "\$38,684,374"; and

Further by amending page 3, same section, line 12, by striking the dollar amount "\$2,246,588,881" and inserting in lieu thereof the following dollar amount "\$2,270,621,251"; and

Further by amending page 3, same section, line 24, by striking the dollar amount "\$2,789,712,274" and inserting in lieu thereof the following dollar amount "\$2,813,744,644"; and

Further by amending page 14, section 2.295, line 4, by striking the dollar amount "\$1,945,401,669" and inserting in lieu thereof the following dollar amount "\$1,969,434,039".

Senator Jacob moved that the above substitute amendment be adopted.

A quorum was established by the following vote:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Stelman
Stoll	Vogel	Wheeler	Yeckel--32

Absent--Senators

Dolan Mathewson--2

Absent with leave--Senators--None

Senator Jacob requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1** and was joined in his request by Senators Callahan, Days, Kennedy and Wheeler.

SSA 1 for **SA 1** failed of adoption by the following vote:

YEAS--Senators

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			

NAYS--Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Foster	Gibbons	Goode

Griesheimer
Loudon
Shields

Gross
Nodler
Steelman
Absent--Senator Dolan--1
Absent with leave--Senators--None

Kinder
Russell
Vogel

Klindt
Scott
Yeckel--20

SA 1 was again taken up.

Senator Goode offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 3, Section 2.015, Line 12, by deleting the "2,246,588,881" and inserting in lieu thereof the number "2,238,588,881"; and further amend said section, line 13, by deleting the number "98,880,607" and inserting in lieu thereof the number "106,880,607"; and further amend said bill, section 2.295, line 4, by deleting the number "1,945,401,669" and inserting in lieu thereof the number "1,937,401,669"; and amend section and bill totals accordingly.

Senator Goode moved that the above substitute amendment be adopted.

Senator Shields raised the point of order that **SSA 2** for **SA 1** is out of order as it is untimely; stating that no one had been seeking recognition when he was recognized by the Chair and renewed his motion.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 2 for **SA 1** was again taken up.

At the request of Senator Goode, the above substitute amendment was withdrawn.

SA 1 was again taken up.

At the request of Senator Shields, the above amendment was withdrawn.

Senator Steelman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 12, Section 2.230, by inserting immediately after said section, the following new section:

"Section 2.231. To the Department of Elementary and Secondary Education

For Veterans Memorial Videotaping provided that

the source of funds shall be those funds allocated pursuant to Section 160.530.2, RSMo.

From General Revenue Fund \$1,000,000".

Senator Steelman moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 8, Section 2.130, Line 5, by inserting immediately after said line the following:

"For teacher education student scholarships at four

year colleges or universities, exclusively for veterans returning from the Iraq conflict pursuing teaching in the areas of mathematics and science.

From General Revenue Fund 1,000,000";

and amend section and bill totals accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Steelman raised the point of order that **SSA 1** for **SA 2** is out of order, as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob raised the point of order that **SA 2** is out of order, as it goes beyond the scope of the underlying bill; stating that the amendment attempts to appropriate money for a purpose that is yet to be authorized by law.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob offered **SSA 2** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 8, Section 2.130, Line 5, by inserting immediately after said line the following:

"For teacher education student scholarships at four

year colleges or universities, exclusively for veterans returning from the Iraq conflict pursuing teaching in the areas of mathematics and science provided that the source of funds shall be those funds allocated pursuant to Section 160.530.2, RSMo.

From General Revenue Fund \$1,000,000".

Senator Jacob moved that the above substitute amendment be adopted.

Senator Nodler assumed the Chair.

Senator Jacob offered **SA 1** to **SSA 2** for **SA 2**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, the last line of the amendment, by deleting said line and inserting in lieu thereof the following:

"From General Revenue Fund 1,500,000".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, SA 1 to SSA 2 for SA 2 was withdrawn.

Senator Steelman offered SA 2 to SSA 2 for SA 2, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 2 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, line 6 of said amendment, by adding after the word "science" the words "and for veterans memorial videotaping which may be distributed to the public schools"; and

Further amend line 8, by deleting "1,000,000" and inserting "2,000,000"; and amend section and bill totals accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, SA 2 to SSA 2 for SA 2 was withdrawn.

SSA 2 for SA 2 was again taken up.

Senator Jacob requested a roll call vote be taken on the adoption of SSA 2 for SA 2 and was joined in his request by Senators Bray, Callahan, Days and Stoll.

A quorum was established by the following vote:

Present--Senators			
Bray	Callahan	Caskey	Cauthorn
Champion	Days	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
Absent--Senators			
Bartle	Bland	Childers	Clemens
Coleman	Dolan	Dougherty	Goode
Quick	Wheeler--10		
Absent with leave--Senators--None			

SSA 2 for SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey

Coleman	Days	Jacob	Kennedy
Mathewson	Quick	Stoll--11	
	NAYS--Senators		
Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
	Absent--Senators		
Childers	Dougherty	Goode	Wheeler--4
	Absent with leave--Senators--None		

SA 2 was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 10, Section 2.190, Line 3, by deleting from said line "\$30,473,563" and inserting in lieu thereof the following "\$31,070,338".

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 2, Section 2.015, Line 4, by deleting the number "1,799,536,395" and insert in lieu thereof the number "1,803,536,395" and further amend said section, line 5 by deleting the number "372,555,326" and inserting in lieu thereof the number "374,555,326" and further amend said section line 13 by deleting the number "98,880,607" and inserting in lieu thereof the number "106,880,607" and further amend said section line 12 by deleting the number "2,246,588,881" and inserting in lieu thereof the number "2,244,588,881" and further amend said bill section 2.295, line 4 by deleting the number "1,945,401,669" and inserting in lieu thereof the number "1,943,401,669" and amend section and bill totals accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Callahan, Russell and Stoll.

Senator Russell offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 3, Section 2.015, Line 12, by deleting the "2,246,588,881" and inserting in lieu thereof the number "2,238,588,881" and further amend said section, line 13 by deleting the number "98,880,607" and inserting in lieu thereof the number "106,880,607" and further amend said bill section 2.295, line 4 by deleting the number "1,945,401,669" and inserting in lieu thereof the number "1,937,401,669" and amend section and bill totals accordingly.

Senator Russell moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SSA 1** for **SA 4** and was joined in his request by Senators Bland, Callahan, Russell and Stoll.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 2, Section 2.015, Line 4, by deleting the number "1,799,536,395" and inserting in lieu thereof the number "1,805,536,395" and further amend said section, line 5 by deleting the number "372,555,326" and inserting in lieu thereof the number "374,555,326" and further amend said section line 13 by deleting the number "98,880,607" and inserting in lieu thereof the number "106,880,607" and amend section and bill totals accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Callahan, Russell and Bland.

Senator Gross assumed the Chair.

At the request of Senator Jacob, **SA 1** to **SSA 1** for **SA 4** was withdrawn.

Senator Jacob offered **SA 2** to **SSA 1** for **SA 4**:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 1, Line 4, by deleting the number "2,238,588,881" and inserting in lieu thereof the number "3,246,588,881" and further amend said amendment line 9 by deleting the number "1,937,401,669" and inserting in lieu thereof the number "1,945,401,669" and further amend said amendment line 9 by adding after the number "1,937,401,669" the following: further amend said bill page 2 section 2.015, line 4 by deleting the number "1,799,536,395" and inserting in lieu thereof the number "1,805,536,395" and further amend said section, line 5 by deleting the number "372,555,326" and inserting in lieu thereof the number "374,555,326".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dougherty, Callahan, Bray and Bland.

A quorum was established by the following vote:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder

Klindt	Loudon	Mathewson	Nodler
Russell	Shields	Steelman	Stoll
Yeckel--29			
	Absent--Senators		
Clemens	Quick	Scott	Vogel
Wheeler--5			
	Absent with leave--Senators--None		

Senator Shields assumed the Chair.

SA 2 to SSA 1 for SA 4 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Jacob	Kennedy
Quick	Steelman	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Shields	Vogel	Yeckel--19	
	Absent--Senators		
Dougherty	Griesheimer	Scott--3	
	Absent with leave--Senators--None		

SSA 1 for SA 4 was again taken up.

At the request of Senator Russell, the above substitute amendment was withdrawn.

SA 4 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 14, Section 2.295, Line 14, by deleting from said line "\$1,945,401,669" and inserting in lieu thereof the following "\$1,955,650,410".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 5** was withdrawn.

Senator Callahan offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 2, Section 2.015, Line 4, by deleting the number "1,799,536,395" and insert in lieu thereof the number "1,803,536,395" and further amend said section, line 5 by deleting the number "372,555,326" and inserting in lieu

thereof the number "374,555,326" and further amend said section line 13 by deleting the number "98,880,607" and inserting in lieu thereof the number "106,880,607" and further amend said section line 12 by deleting the number "2,246,588,881" and inserting in lieu thereof the number "2,244,588,881" and further amend said bill section 2.295, line 4 by deleting the number "1,945,401,669" and inserting in lieu thereof the number "1,943,401,669" and amend section and bill totals accordingly.

Senator Callahan moved that the above amendment be adopted.

Senator Stoll offered **SSA 1** for **SA 6**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 2, Section 2.015, Line 4, by striking the number "\$1,799,536,395" and insert in lieu thereof the number "\$1,809,536,395"; and

Further amend said section, same page, line 5 by striking the number "\$372,555,326" and inserting in lieu thereof the number "\$382,555,326"; and

Further amend said section, page 3, line 13, by striking the number "\$98,880,607" and inserting in lieu thereof the number "\$108,880,607"; and

Further amend said section, page 3, line 12 by striking the number "\$2,246,588,881" and inserting in lieu thereof the number "\$2,256,588,881"; and

Further amend said bill, section 2.295, page 14, line 4 by striking the number "\$1,945,401,669" and inserting in lieu thereof the number "\$1,955,401,669".

Senator Stoll moved that the above substitute amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
Absent--Senators			
Cauthorn	Dougherty	Scott--3	
Absent with leave--Senators--None			

SSA 1 for **SA 6** was again taken up.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	Absent with leave--Senators--None		

SSA 1 for **SA 6** was again taken up.

Senator Stoll moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Wheeler.

SSA 1 for **SA 6** failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--22		
	Absent--Senators--None		
	Absent with leave--Senators--None		

SA 6 was again taken up.

Senator Callahan moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Callahan, Kennedy, Mathewson and Quick.

SA 6 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Jacob	Kennedy
Quick	Steelman	Stoll	Wheeler--12
	NAYS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Vogel	Yeckel--22		
	Absent--Senators--None		

Absent with leave--Senators--None

Senator Gross assumed the Chair.

Senator Kennedy offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002, Page 3, Section 2.025, Line 4: by striking the dollar amount "\$3,487,799" and inserting in lieu thereof the following dollar amount "\$3,836,579"; and

Further by amending same page, same section, line 6, by striking the dollar amount "\$164,719,668" and inserting in lieu thereof the following dollar amount "\$165,068,448".

Senator Kennedy moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Coleman, Days and Wheeler.

SA 7 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Coleman
Days	Jacob	Kennedy	Quick
Stoll	Wheeler--10		
	NAYS--Senators		
Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--23	
	Absent--Senator Dougherty--1		
	Absent with leave--Senators--None		

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1002**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1002**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll		Vogel	Yeckel--27
	NAYS--Senators		
Bland	Bray	Coleman	Days
Jacob	Kennedy	Wheeler--7	
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1783, regarding the Self-Help Center, Kirkwood, which was adopted.

Senator Quick offered Senate Resolution No. 1784, regarding Angela Rosheim, which was adopted.

Senator Shields offered Senate Resolution No. 1785, regarding Deanna Losson, which was adopted.

COMMUNICATIONS

Senator Griesheimer submitted the following:

April 20, 2004

Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Terry:

Due to an unforeseen problem, pursuant to Senate Rule 45, I respectfully request that House Committee Substitute for House Bills 998 & 905 be removed from the Consent Calendar and sent back to the Senate Committee on Pensions and General Laws.

Thank you for your consideration of my request.

Sincerely,

/s/ John

John E. Griesheimer

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, the Physician of the Day, Dr. George R. Bradbury, M.D., University City.

Senator Scott introduced to the Senate, Dallas County Treasurer Becky Schofield, Buffalo.

Senator Bartle introduced to the Senate, his mother, Kay Bartle, Sandy Nowlin, Jackie Rozeboon and Babs Brooks, Wildwood.

Senator Cauthorn introduced to the Senate, his daughter, Katy Cauthorn and Megan Maxwell, Mexico.

On behalf of Senator Vogel and himself, Senator Gibbons introduced to the Senate, Rev. Jimmy Joe, Papua, New Guinea; and Gretchen Mueller, Steedman.

Senator Russell introduced to the Senate, Mr. Leon, Carefree, and twelve students from the Foreign Language School

for Ethnic Minorities, Tibet; Mrs. Dorita Roderick, Mrs. Don Wade, Cindy Chase and Jack Cook, Lebanon; and Randy Simmons, St. Joseph.

Senator Coleman introduced to the Senate, Greg Bell and Josh Finland, St. Louis.

Senator Steelman introduced to the Senate, Phelps County Treasurer Carol Green, Rolla.

Senator Dougherty introduced to the Senate, Chris DeBerry and Kris Hargrove, St. Louis.

Senator Stoll introduced to the Senate, Cathy Whitlock and thirty seventh grade students from Our Lady School, Festus.

Senator Stoll introduced to the Senate, former State Senator Bill McKenna, Lynn Hoff, Dr. Julia Hampton, Sally Borgerson, Jefferson College, Hillsboro; and Caio Behrndt, Sao Paulo, Brazil.

Senator Griesheimer introduced to the Senate, Mayor Dick Stratman, Washington.

Senator Nodler introduced to the Senate, Thang Ho, Sondra Waltz, Beth Page, Kent Farnsworth, Crowder College, Neosho.

Senator Cauthorn introduced to the Senate, Betty Deters, Lois Van Brening, Donna Burt and twenty seventh and eighth grade students from St. Clement School, Bowling Green.

Senator Loudon introduced to the Senate, Vicki Westall and forty-eight eighth grade students and fifteen parents from St. Monica School, St. Louis County; and Jimmy Krupp, Stephanie Weithop, Kelly Schmittgens and Kevin Reinhardt were made honorary pages.

Senator Days introduced to the Senate, Malissa Travis, Wellston; and Malissa was made an honorary page.

Senator Clemens introduced to the Senate, Mr. and Mrs. Lonnie Owens and their children, Austin, Aaron, Ashton and Autumn, Fair Grove; and Aaron, Ashton and Autumn were made honorary pages.

Senator Bray introduced to the Senate, Shirley Greminger and thirty-seven eighth grade students and parents from St. Blaise School, Maryland Heights.

Senator Nodler introduced to the Senate, Ann Laudwig, Dawn Pickering, John Henderson and forty-six fifth grade students from Seneca Elementary School, Seneca.

Senator Caskey introduced to the Senate, Sylvia Eldridge, Ashley Doody, Angie Morrison, Tara White, Tyler Andula, Nikki Peak and Benito Albarado, Rich Hill.

Senator Caskey introduced to the Senate, Theresa Bynum-Owens and her children, Victoria, Christopher and Caroline, Knob Noster; and Victoria, Christopher and Caroline were made honorary pages.

Senator Nodler introduced to the Senate, Lauren Mustoe, Jefferson City.

Senator Caskey introduced to the Senate, Daryl Veach and Debbie Cook, Butler.

On motion of Senator Gibbons, the Senate adjourned until 9:30 a.m., Wednesday, April 21, 2004.

SENATE CALENDAR

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1034-Childers, with SCS

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick,
with SCS (Cauthorn)

(In Fiscal Oversight)

HS for HCS for HB 1003-Bearden,
with SCS (Russell)

HS for HCS for HB 1004-Bearden
with SCS (Russell)

HS for HCS for HB 1005-Bearden,
with SCS (Russell)

HS for HCS for HB 1006-Bearden,
with SCS (Russell)

HS for HCS for HB 1007-Bearden,
with SCS (Russell)

HS for HCS for HB 1008-Bearden,
with SCS (Russell)

HS for HCS for HB 1009-Bearden,
with SCS (Russell)

HS for HCS for HB 1010-Bearden,
with SCS (Russell)

HS for HCS for HB 1011-Bearden,
with SCS (Russell)

HS for HCS for HB 1012-Bearden,
with SCS (Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS &

SS for SCS (pending)

SB 755-Shields, with SCS, SS for SCS &

SS for SS for SCS (pending)

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS

SB 809-Klindt, with SCS, SS for SCS

& SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer,

with SCS

SB 856-Loudon, with SCS, SS for SCS,

SS for SS for SCS, SA 2 &

SSA 1 for SA 2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS

(pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 &

1089-Gross and Griesheimer, with

SCS, SS for SCS, SA 2 &

SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with

SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with
SCS

SBs 1221 & 1305-Kinder, with SCS,
SS for SCS, SA 1 & SA 1 to SA 1
(pending)

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS
(pending)

SB 1234-Mathewson and Childers,
with SCS, SS for SCS, SA 4 &
point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and
Mathewson, with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1
(pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)

(In Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 &

989-Goodman (Childers)

(In Fiscal Oversight)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS

(Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246 (Loudon)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood,
with SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al

(Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS

(Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

(In Fiscal Oversight)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655

(Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS

(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with

SCS (Dolan)

HB 826 & HCS for HB 883-Kelley (144),

with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberger, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 &

HCS for HB 1280-Bivins, with SCS

(Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS

(Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS

(Cauthorn)

HB 1048-Parker, et al (Klindt)

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

HS for HCS for HB 1304-Byrd, with

SS#2 for SS for SCS, as amended

(Scott)

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY--WEDNESDAY, APRIL 21, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"O God, you are my God, I seek you; my soul thirsts for you, my flesh faints for you as in a dry and weary land where there is no water." (Psalm 63:1)

Almighty God, we reach the mid-point of this week and the hours have been long and we see only more dry weary hours ahead. So we come to You for refreshment and rest knowing that what we truly need can only come from You. So we pray, provide us with that sense of purpose that gives us a renewing energy that lightens our hearts and quickens our steps. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	Absent with leave--Senators--None		
	The Lieutenant Governor was present.		

The President called for the reading of the Journal.

Senator Gibbons moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

Senator Kennedy requested a roll call vote be taken on the approval of the Journal. He was joined in his request by Senators Bray, Callahan, Bland and Wheeler.

Senator Jacob raised the point of order that unanimous consent is required to dispense with the reading of the Journal.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob raised the point of order that under the rules, the time of meeting of the Senate is 10:00 a.m. unless otherwise ordered; and that time has not yet arrived.

The point of order was referred to the President Pro Tem, who ruled it not well taken; stating that Page 995 of the Senate Journal for Tuesday, April 20, 2004, reflects the Senate adjourned until 9:30 a.m., Wednesday, April 21, 2004.

Senator Jacob raised the point of order that timing of the opening of a session is ordered by the body and not an individual member.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

The Journal was approved by the following vote:

	YEAS--Senators		
Bartle	Callahan	Caskey	Champion
Childers	Clemens	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Vogel
Yeckel--21			

	NAYS--Senators		
Bland	Bray	Days	Dougherty
Jacob	Kennedy	Wheeler--7	
	Absent--Senators		
Cauthorn	Coleman	Dolan	Quick
Steelman	Stoll--6		
	Absent with leave--Senators--None		

Photographers from KMOU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1786, regarding LaVerla Ruth Kistler, California, which was adopted.

Senator Russell offered Senate Resolution No. 1787, regarding Dan D. Divine, Hartville, which was adopted.

Senator Gross offered Senate Resolution No. 1788, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sidney Branson, St. Charles, which was adopted.

CONCURRENT RESOLUTIONS

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 48

Relating to the establishment of a Hepatitis C Task Force

WHEREAS, hepatitis C is a disease of the liver caused by the hepatitis C virus which damages liver cells and causes the liver to become swollen and tender, however, hepatitis has many other causes, including some medications, long-term alcohol abuse, and exposure to industrial chemicals; and

WHEREAS, although there is no vaccine to prevent infection with the hepatitis C virus (HCV), research is underway to develop one, but it is difficult to create an effective vaccine because new strains of the original virus can develop that are not affected by a vaccine against the original strain; and

WHEREAS, since all donated blood is screened for hepatitis C, many people are unaware they have hepatitis C until they try to donate blood and are notified by a blood donation center; and

WHEREAS, chronic hepatitis may be treated with medications that fight viral infections, however, the standard treatment of interferon and ribavirin is not an option for every person and only 30%-40% of those who receive antivirals are cured of the infection; and

WHEREAS, the impact of the disease on certain populations, such as intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals, is still unknown in Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Hepatitis C Task Force to examine the impact of the hepatitis C virus (HCV) on intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals in Missouri; and

BE IT FURTHER RESOLVED that the Task Force shall be comprised of the following nine persons appointed by the Governor with the advice and consent of the House of Representatives:

- (1) Two persons from the Department of Mental Health;
- (2) Two persons from the Department of Health and Senior Services;
- (3) One person from the Department of Corrections;
- (4) Two persons from community organizations providing services to persons with HCV; and
- (5) Two persons living with HCV; and

BE IT FURTHER RESOLVED that two members of the Senate appointed by the President Pro Tem of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives and shall serve in an advisory capacity to the Task Force; and

BE IT FURTHER RESOLVED that the Task Force shall conduct research and evaluate key legislative, programmatic, and socioeconomic issues that are related to the impact of HCV on the aforementioned populations and make recommendations on ways to improve outreach, prevention, and intervention; and

BE IT FURTHER RESOLVED that the Task Force shall complete its work and submit a report to the General Assembly within one year of its formation, with the advisory House and Senate members of the Task Force providing guidance to the Task Force in its conduct and scope of its work; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1123**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS #2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, and has taken up and passed **CCS** for **SS #2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**.

PRIVILEGED MOTIONS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, as amended, moved that the following conference committee report be taken up.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1304

The Conference Committee appointed on Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5 and Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1304;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott
/s/ Michael R. Gibbons
/s/ Matt Bartle
Ken Jacob
Harold Caskey

FOR THE HOUSE:

/s/ Richard Byrd
/s/ Jason Crowell
/s/ Rod A. Jetton
Robert Harris, 23
Rick Johnson, 90

Senator Jacob offered a substitute motion that **SCS** for **HB 1003** be taken up for debate and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Dougherty and Stoll.

President Maxwell assumed the Chair.

Senator Gibbons raised the point of order that the substitute motion made by Senator Jacob is out of order as the body is not on the order of business of House Bills on Third Reading.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Scott restated his motion that the conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be taken up.

Senator Jacob submitted the following substitute motion in writing:

SUBSTITUTE MOTION

I move that the rules be suspended pursuant to rule 97 and the Senate go to the order of business of House Bills on Third Reading Formal Calendar and that House Bill 1003 be brought before the body for Third Reading and Final Passage.

Senator Shields raised the point of order that Senator Jacob's substitute motion is not a true substitute motion, stating that it is a negative motion; adding that the objective of Senator Jacob can be reached by defeating the motion of Senator Scott and the continuation of the calling of the calendar.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bray was recognized to inquire of Senator Stoll.

Senator Bray moved that the Senate adjourn until 10:00 a.m., Thursday, April 22, 2004, which motion prevailed. \

SENATE CALENDAR

FIFTY-SEVENTH DAY-THURSDAY, APRIL 22, 2004

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION SB 1034-Childers, with SCS

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross HOUSE BILLS ON THIRD READING HS for HCS for HB 1566-Stefanick,
with SCS (Cauthorn) (In Fiscal Oversight)

HS for HCS for HB 1003-Bearden,
with SCS (Russell)

HS for HCS for HB 1004-Bearden,
with SCS (Russell)

HS for HCS for HB 1005-Bearden,
with SCS (Russell)

HS for HCS for HB 1006-Bearden,
with SCS (Russell)

HS for HCS for HB 1007-Bearden,
with SCS (Russell)

HS for HCS for HB 1008-Bearden,

with SCS (Russell)

HS for HCS for HB 1009-Bearden,

with SCS (Russell)

HS for HCS for HB 1010-Bearden,

with SCS (Russell)

HS for HCS for HB 1011-Bearden,

with SCS (Russell)

HS for HCS for HB 1012-Bearden,

with SCS (Russell) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS & SS for

SCS (pending)

SB 755-Shields, with SCS, SS for SCS &

SS for SS for SCS (pending)

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with

SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2

(pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS, SS

for SCS, SA 1 & SA 1 to SA 1

(pending)

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS

(pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of

order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS HOUSE BILLS ON THIRD READING HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)

(In Fiscal Oversight) CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-

Goodman (Childers)

(In Fiscal Oversight)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields) Reported 4/7 HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246 (Loudon)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with

SCS (Steelman) Reported 4/13 HB 822-Luetkemeyer, et al, with SCS (Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS

(Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion) (In

Fiscal Oversight) Reported 4/14 HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS

(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross) Reported 4/15 HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS

(Dolan)

HB 826 & HCS for HB 883-Kelley (144),

with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberger, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS

for HB 1280-Bivins, with SCS

(Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt) BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference SB 739-Klindt, with HCS, as amended

HS for HCS for HB 1304-Byrd, with SS#2

for SS for SCS, as amended (Scott)

(House adopted CCR and passed CCS) RESOLUTIONS

To be Referred

SCR 48-Bland

Reported from Committee SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY--THURSDAY, APRIL 22, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Look for spiritual significance, not things men call important, big, impressive." (Leslie Weatherhead)

Lord God, we pray that our actions are truly sharing in Your actions, coming from the depth of our being. We pray that we are moved to invest our energies, utilize our gifts, and work towards those things that are truly significant for the lives of our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

The President called the order of business of Introduction of Guests.

Senator Gibbons sought recognition of the Chair and requested that Senator Scott be recognized.

PRIVILEGED MOTIONS

Senator Scott moved that the conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be taken up.

Senator Jacob raised the point of order that under the provisions of Senate Rule 3, the motion is out of order in that the Senate is not following the order of business as prescribed.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

On motion of Senator Scott, the conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was taken up.

Senator Scott moved that the conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** be adopted.

Senator Scott moved the previous question.

The President stated that Senator Scott's motion for the previous question was not recognized at this time.

Senator Jacob raised the point of order that the the motion to adopt the conference committee report is out of order pursuant to U.S. Senate Rules. Stating that the presentation of a conference report includes its reading. The report must be read if a demand therefor is made and its reading can be dispensed with only by unanimous consent. The question of consideration cannot be raised until after the report has been read.

The point of order was referred to the President Pro Tem, who ruled it well taken.

The conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was read.

Senator Scott renewed his motion for adoption of the conference committee report.

Senator Jacob offered a substitute motion in writing and asked that it be read, which was read in part:

"SUBSTITUTE MOTION NO. 1

That the Senate reject the Conference Committee Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill 1304 and request that the House grant further conference thereon, and the Senate conferees be instructed to adopt the following amendment:

Amend Conference Committee Substitute for Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1304, Page 1, Section 355.176, Line 8 of said page, through page 27, section 508.120, line 41 of said page, by striking all of said sections from the bill and inserting in lieu thereof the following:"

Senator Goode rose to address the issue of the earlier motion made by Senator Scott to move the previous question, raising the point of order that it has always been the practice of the Senate that when a Senator has the floor, he could always make another motion; stating that Senator Scott should have been able to make that motion.

The point of order was referred to the President Pro Tem, who ruled it well taken which rendered Senator Jacob's substitute motion moot.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 83 of the Missouri Senate:

Shall the Main question be now put?

Signed:

/s/ Peter Kinder	
/s/ Anita Yeckel	/s/ Dan Clemens
/s/ John E. Griesheimer	/s/ John Loudon
/s/ Norma Champion	/s/ Delbert Scott
/s/ John Cauthorn	/s/ Jon Dolan
/s/ Gary Nodler	/s/ Doyle Childers
/s/ Matt Bartle	/s/ Carl M. Vogel
/s/ Charlie Shields	/s/ David G. Klindt
/s/ Bill Foster	/s/ John T. Russell
/s/ Charles R. Gross	/s/ Michael R. Gibbons

The motion to move the previous question was adopted by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Yeckel--19	
	NAYS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Steelman	Stoll	Wheeler--15	
	Absent--Senators--None		
	Absent with leave--Senators--None		

The conference committee report on **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304** was adopted by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell

Scott Yeckel--21	Shields	Vogel	Wheeler
	NAYS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Steelman
Stoll--13			
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Scott moved that **CCS** for **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1304**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1304

An Act to repeal sections 355.176, 408.040, 508.010, 508.040, 508.070, 508.120, 510.263, 516.105, 537.035, 537.067, 538.205, 538.210, 538.220, and 538.225, RSMo, and to enact in lieu thereof sixteen new sections relating to claims for damages and the payment thereof.

Be read the 3rd time and finally passed.

Senator Scott moved the previous question.

The President stated that he was not recognized for that motion.

Senator Bartle raised the point of order that based on an earlier ruling by the President Pro Tem, the previous question motion is before the body.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 83 of the Missouri Senate.

Shall the Main question be now put?

Signed:

/s/ Peter Kinder	/s/ Charlie Shields
/s/ Anita Yeckel	/s/ Doyle Childers
/s/ Dan Clemens	/s/ Delbert Scott
/s/ Gary Nodler	/s/ Matt Bartle
/s/ John Cauthorn	/s/ Carl M. Vogel
/s/ David G. Klindt	/s/ Jon Dolan
/s/ John Loudon	/s/ Norma J. Champion
/s/ John E. Griesheimer	/s/ John T. Russell
/s/ Bill Foster	/s/ Michael R. Gibbons
/s/ Charles R. Gross	

The motion to move the previous question was adopted by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Wheeler	Yeckel--20
	NAYS--Senators		

Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Steelman	Stoll--14		
	Absent--Senators--None		
	Absent with leave--Senators--None		

CCS for SS No. 2 for SS for SCS for HS for HCS for HB 1304 was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Vogel	Wheeler
Yeckel--21			
	NAYS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Steelman
Stoll--13			
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

Senator Scott moved the title to the bill be agreed to.

Senator Scott moved the previous question.

The President stated that he was not recognized for that motion.

Senator Bartle raised the point of order that based on an earlier ruling by the President Pro Tem, the previous question motion is before the body.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Scott submitted the following:

Motion for Previous Question - Pursuant to Rule 83 of the Missouri Senate.

Shall the Main question be now put?

Signed:

/s/ Peter Kinder	/s/ Charlie Shields
/s/ Anita Yeckel	/s/ Doyle Childers
/s/ Dan Clemens	/s/ Delbert Scott
/s/ John Cauthorn	/s/ Matt Bartle
/s/ Gary Nodler	/s/ Carl M. Vogel
/s/ David G. Klindt	/s/ Jon Dolan
/s/ John Loudon	/s/ Norma J. Champion
/s/ John E. Griesheimer	/s/ John T. Russell
/s/ Bill Foster	/s/ Michael R. Gibbons
/s/ Charles R. Gross	

The motion to move the previous question was adopted by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Vogel	Wheeler	Yeckel--20
	NAYS--Senators		
Bland	Bray	Callahan	Caskey

Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Steelman	Stoll--14		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The motion that the title be agreed to was adopted.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1789, regarding Shirley J. Collins, Sedalia, which was adopted.

Senator Bland offered Senate Resolution No. 1790, regarding Dorothy A. Stroud, Kansas City, which was adopted.

Senator Klindt offered Senate Resolution No. 1791, regarding Derek C. Spencer, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1792, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clarence Jacobs, Trenton, which was adopted.

Senator Champion offered Senate Resolution No. 1793, regarding Coach Gary Stanfield of Drury University, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 1794, regarding the Drury University Lady Panthers basketball team, which was adopted.

Senator Champion offered Senate Resolution No. 1795, regarding Kraft Foods North America, Springfield, which was adopted.

Senator Dolan offered Senate Resolution No. 1796, regarding Michael John Gore, St. Charles, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1118**, entitled:

An Act to repeal sections 302.177, 302.225, 302.272, 302.302, 302.309, 302.700, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.035, and 577.054, RSMo, and to enact in lieu thereof eighteen new sections relating to commercial drivers' licenses, with an effective date and with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 773**, entitled:

An Act to repeal section 172.360, RSMo, and to enact in lieu thereof one new section relating to students admissible to the University of Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1286** and **1175**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to marine dealers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1285**, entitled:

An Act to repeal sections 226.092, 407.730 and 407.735, RSMo, and to enact in lieu thereof three new sections relating to car rental insurance, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1160**, entitled:

An Act to repeal sections 376.1219, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for treatment of inherited diseases of amino and organic acids.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1509**, entitled:

An Act to repeal section 376.1230, RSMo, and to enact in lieu thereof one new section relating to health benefits for chiropractic care.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1080**, entitled:

An Act to repeal sections 160.518, 160.538, and 160.720, RSMo, and to enact in lieu thereof two new sections relating to education accountability standards.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1080, Page 5, Section 160.720, Line 56, by adding after all of said line the following:

"174.453. 1. The board of governors shall be appointed as follows:

(1) Five voting members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, except that no more than two members shall be appointed from any one county with a population of less than two hundred thousand inhabitants;

(2) Two voting members shall be selected from any of the counties in the state which are outside of the institution's historic service region; and

(3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; and

(2) The nonvoting student member shall serve a two-year term.

3. Members of any board of governors selected pursuant to this section and in office on May 13, 1999, shall serve the remainder of their unexpired terms.

4. Notwithstanding the provisions of subsection 1 of this section, the board of governors of Missouri Southern State University-Joplin shall be appointed as follows:

(1) Five voting members shall be selected from any of the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these five members shall be appointed from any one county;

- (2) Two voting members shall be selected from any of the counties in the state which are outside of the counties articulated in subdivision (1) of this subsection;
- (3) One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055; and
- (4) The provisions of subdivisions (1) and (2) of this subsection shall only apply to board members first appointed after August 28, 2004."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 740, 886 and 1178**, entitled:

An Act to repeal sections 148.330, 263.534, 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, 348.406, 348.410, 348.412, 348.430, and 348.432, RSMo, and to enact in lieu thereof eleven new sections relating to agriculture programs.

With House Amendments No. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Section 348.410, Page 5, Lines 1 through 14, by deleting said section and lines; and

Further amend said bill, Section 348.432, Page 10, Lines 56 and 57, by deleting said lines and inserting in lieu thereof the following:

"a tax credit certificate in the appropriate amount. [tax] **Tax** credits issued pursuant to this section [shall initially be claimed in the taxable"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 740, 886 and 1178, Page 11, Section 348.432, Line 88, by inserting after said line the following:

"Section A. Section 537.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.115, to read as follows:

537.115. 1. As used in this section, the following terms mean:

- (1) "Canned food", any food commercially processed and prepared for human consumption;
- (2) "Perishable food", any food which may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition.

This term includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits and vegetables, and foods which have been packaged, refrigerated, or frozen.

2. All other provisions of law notwithstanding, a good faith donor of canned or perishable food, which complies with chapter 196, RSMo, at the time it was donated and which is fit for human consumption at the time it is donated, to a bona fide charitable or not-for-profit organization for free distribution, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the negligence, recklessness or intentional misconduct of such donor.

3. All other provisions of law notwithstanding, a bona fide charitable or not-for-profit organization which in good faith receives and distributes food, which complies with chapter 196, RSMo, at the time it was donated and which is fit for human consumption at the time it is distributed, without charge, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the negligence, recklessness, or intentional misconduct of such organization.

4. Notwithstanding any other provision of law to the contrary, a good faith donor or a charitable or not-for-profit organization, who in good faith receives or distributes frozen and packaged venison without charge, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food, except as provided in this subsection. The venison must:

- (1) Come from a whitetail deer harvested in accordance with the rules and regulations of the department of conservation;
- (2) Be field dressed and handled in a sanitary manner and the carcass of which remains in sound condition;
- (3) Be processed in a licensed facility that is subject to the United States Department of Agriculture's mandated inspections during domesticated animal operations **or is approved by the Missouri department of agriculture meat inspection program**. Except that, the provisions of this subsection shall not apply if the injury or death is a direct result of the negligence, recklessness or intentional misconduct of such donor or the deer

was harvested during a season that the deer in Missouri were found to have diseases communicable to humans. Venison handled and processed in accordance with the provisions of this section and protected by all reasonable means from foreign or injurious contamination is exempt from the provisions of chapter 196, RSMo.

5. The provisions of this section shall govern all good faith donations of canned or perishable food which is not readily marketable due to appearance, freshness, grade, surplus or other conditions, but nothing in this section shall restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HJR**s **39, 38, 42** and **47** entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the prohibition of same-sex marriage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1003**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Gross assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1003** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1003** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators			
Bland	Bray	Coleman	Days
Jacob--5			
Absent--Senator Quick-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for HCS for HB 1004, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for HS for HCS for HB 1004, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS for HS for HCS for HB 1004** be adopted.

Senator Childers assumed the Chair.

Senator Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for SS No. 2 for SS for SCS for HS for HCS for HB 1304**, having passed both branches of the General Assembly, would be read at length by the Secretary, and signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

April 22, 2004

Terry L. Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, Missouri 65101

Re: Constitutional Objections to be Included in the Senate Journal of this Date

Dear Terry:

Pursuant to the discussion which took place this afternoon on the Senate floor just prior to Senator Kinder's signing the TAFP version of HB 1304, I would request that the following be placed in the Journal for this date, April 22, 2004, at the appropriate point in the Journal at which I verbally raised "constitutional objections" to CCS/SS#2/SS/SCS/HS/HCS/HB 1304:

Senator Jacob raised verbal "constitutional objections" to the substance of the bill and to the procedure related to passage of the bill in the Senate and submitted the following written objections to the same:

1.) That the substance of the bill violates the constitutional guarantee to access to the open courts of justice;

2.) That the substance of the bill violates the constitutional mandate that the rules of practice and procedure of the courts of justice be established by the Missouri Supreme Court, and that the substance of the bill violates the constitutional distribution and separation of powers as it constitutes action by the legislative branch to exercise a power properly belonging to the judicial branch;

- 3.) That the substance of the bill violates the constitutional prohibition that "no bill shall contain more than one subject", in that, among other things, the bill addresses multiple subjects, i.e. (1) claims for damages, (2) payment of claims for damages, and (3) claims for specific performance. It should be noted that even the title of the bill betrays, by the explicit use of the "and" conjunctive, that the bill addresses multiple subjects, i.e. (1) claims for damages, "and" (2) payment of claims for damages;
- 4.) That the substance of the bill violates the constitutional prohibition that the subject of a bill "shall be clearly expressed in its title", in that the bill clearly affects claims for specific performance but the title expresses only that the bill "relates to claims for *damages* and the payment thereof";
- 5.) That the substance of the bill violates the constitutional guarantee to due process of law;
- 6.) That the substance of the bill violates the constitutional guarantee to equal protection of the laws;
- 7.) That the procedure by which the bill was presented to and adopted by the Missouri Senate violates the constitutional requirement that "No bill shall be considered for final passage in either house until it, with all amendments thereto, has been printed and copies distributed among the members", in that the amendments to the bill were never officially "printed" prior to the bill being considered for final passage in the Senate; and
- 8.) That many other procedural irregularities occurred on this day during the extremely chaotic presentation and passage of the CCR and the bill which are too numerous to detail here given the extraordinarily short period of time which passed between the passage of the bill in the Senate late this morning and the Pro Tem's act of signing the bill before the Senate early this afternoon, each of which irregularity constitutes a separate and distinct violation of the Missouri Constitution and each of which could be well established by testimony of the Senators present and the dozens of other Senate employees and onlookers present during the outbursts and commotion which enveloped the Missouri Senate chamber during the presentation and controversial passage of the CCR and the bill.

Thank you for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1004** was adopted.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1004** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--28
NAYS--Senators			
Bray	Days	Jacob	Wheeler--4
Absent--Senators			
Mathewson	Quick--2		
Absent with leave--Senators--None			

Senator Shields assumed the Chair.

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1005**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1005**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1005** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1005, Page 13, Section 5.226, Line 6, by inserting immediately after said line the following:

"This section is contingent upon passage of SB 1221 and SB 1227"; and

Further amend said bill, page 13, section 5.227, line 5, by inserting immediately after said line the following:

"This section is contingent upon passage of SB 1221 and SB 1227".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1005**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1005**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--28
	NAYS--Senators		
Bland	Bray	Coleman	Days--4
	Absent--Senators		
Quick	Wheeler--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1006**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1006**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Shields assumed the Chair.

Senator Gross assumed the Chair.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1006** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1006** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--28
NAYS--Senators			
Bland	Bray	Days	Jacob--4
Absent--Senator Wheeler--1			
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1007**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1007** be adopted.

Senator Bartle assumed the Chair.

Senator Russell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007, Page 6, Section 7.060, Line 10, by inserting immediately after the word "Levee," the following: "Branson Landing Project,".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007, Page 4, Section 7.020, Line 38, by deleting the number "700,000" and replacing it with the number "850,000" and further amend said Bill, Section 7.025, Line 8, by deleting the number "3,303,360" and replacing it with the number "3,453,360" and amend section and bill totals accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007, Page 5, Section 7.050, Line 9, by inserting immediately after said line the following:

"For the Missouri Main Street Program

From Missouri Main Street Program Fund . \$40,590"

and further amend said bill Section 7.050, by inserting immediately after said section the following new section:

"Section 7.053. To the Department of Economic Development

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the Missouri Main Street Program Fund

From General Revenue Fund \$40,590"

and amend section and bill total accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1007**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1007**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators			
Bland	Bray	Coleman	Days
Jacob--5			
Absent--Senators--None			
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1008**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1008**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1008** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1008** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
NAYS--Senators			
Bland	Bray	Coleman	Days
Jacob--5			
Absent--Senator Quick--1			
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1009**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1009** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1009** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Callahan	Caskey	Champion
Childers	Clemens	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
	NAYS--Senators		
Bland	Bray	Coleman	Days
Jacob--5			
	Absent--Senators		
Cauthorn	Quick--2		
	Absent with leave--Senator Loudon--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1010**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1010**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1010** be adopted.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 29, Section 10.677, Line 26, by deleting said line and inserting in lieu thereof the following:

"From General Revenue Fund \$570,000

From Federal Funds 760,000

Total \$1,330,000",

and further amend bill totals accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Dougherty offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 29, Section 10.677, Line 26, by deleting said line and inserting in lieu thereof the following

"From General Revenue Fund \$570,000

From New Federal Funds \$1e

Total \$571,000",

and further amend bill totals accordingly.

Senator Dougherty moved that the above substitute amendment be adopted.

At the request of Senator Dougherty, **SSA 1** for **SA 1** was withdrawn.

Senator Dougherty offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 29, Section 10.677, Line 26, by deleting said line and inserting in lieu thereof the following

"From General Revenue Fund \$570,000

From New Federal Funds 760,000

Total \$1,330,000",

and further amend bill totals accordingly.

Senator Dougherty moved that the above substitute amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 26, Section 10.650, Line 5 by deleting said line and inserting in lieu thereof the following "for the diagnosis and treatment of tuberculosis based on current".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 27, Section 10.660, Line 7, by deleting the number "\$3,282,203" and inserting in lieu thereof the number "\$3,462,968". And further amend said section, line 21 by deleting said line and inserting in lieu thereof "Total (Not to exceed 350.37 F.T.E.) "15,227,104".

Further amend said bill, page 28, Section 10.665, line 4 by deleting the number "5,631,586" and inserting in lieu thereof the number "\$10,439,386". And further amend said section, line 11 by deleting the number "\$36,400,266" and inserting in lieu thereof the number "\$41,208,066". Amend bill totals accordingly.

Senator Days moved that the above amendment be adopted.

Senator Childers assumed the Chair.

Senator Dougherty offered **SA 1 to SA 3**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 1, Line 9, by adding after said line the following:

"Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 27, Section 10.665, line 3 by inserting immediately after the word 'programs', 'provided that up to \$4,807,800 may be used for the purpose of funding comprehensive health services for women and men that are provided directly by governmental entities as defined by section 610.010 (4) RSMo of this state through contract with the Department of Health and Senior Services. Comprehensive health services shall be only subcontracted to other governmental agencies and not subcontracted further under any circumstances."

Senator Dougherty moved that the above amendment be adopted.

Senator Gross requested a roll call vote be taken on the adoption of **SA 1 to SA 3** and was joined in his request by Senators Bray, Coleman, Russell and Vogel.

SA 1 to SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Goode
Jacob	Quick	Wheeler--11	
NAYS--Senators			
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
Absent--Senator Stoll--1			
Absent with leave--Senator Loudon--1			

SA 3 was again taken up.

Senator Days moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bray, Callahan, Coleman and Wheeler.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Quick	Wheeler--10		
NAYS--Senators			
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--23	
Absent--Senators--None			
Absent with leave--Senator Loudon--1			

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010, Page 2, Section 10.010, Line 7,

by deleting the number "\$5,372,822" and inserting in lieu thereof the number "\$5,515,822", further amend said section by deleting line 11 and inserting in lieu thereof:

"Total (Not to exceed 120.13 F.T.E.) \$6,460,944"

and further amend bill totals accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1010**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1010**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
NAYS--Senators			
Coleman	Days	Dougherty	Jacob--4
Absent--Senator Bland--1			
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1011**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1011**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1011** be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Caskey moved that the vote by which **SCS** for **HS** for **HCS** for **HB 1011** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan

Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senators--None
 Absent with leave--Senator Loudon--1

SCS for **HS** for **HCS** for **HB 1011** was again taken up.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1011, Page 28, Section 11.465, Line 35, by deleting the number "113,533,434" and inserting in lieu thereof the number "115,533,434" and further amend said section, line 36 by deleting the number "179,556,526" and inserting in lieu thereof the number "182,556,526" and further amend said section, line 58 by deleting the number "\$761,157,980" and inserting in lieu thereof the number "\$766,157,980". Further amend bill totals accordingly.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1011, Page 25, Section 11.435, Line 5, by inserting immediately thereafter the word "pharmacists" the following, "and for the development of a Comprehensive Chronic Care Risk Management program.", and further amend said Bill, Page 31, Section 11.480, Line 4, by inserting immediately thereafter the word "programs" the following, "and for the development of a Comprehensive Chronic Care Risk Management program.".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1011**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1011**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators		
Bland	Coleman	Jacob--3	
	Absent--Senators--None		
	Absent with leave--Senator Loudon--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1012**, with **SCS**, introduced by Representative Bearden, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other

necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up by Senator Russell.

SCS for **HS** for **HCS** for **HB 1012**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1012** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012, Page 13, Section 12.400, Line 3 by deleting "\$26,221,780" and inserting in lieu thereof the following: "28,221,780 with \$2,000,000 being appropriated solely for the purpose of an increase in the salary of employees of the office of the state public defender and no other purpose."; and

Further amend same section, same page, line 7 by deleting "\$28,239,822" and inserting in lieu thereof the following "30,239,822"; and

Further amend all applicable totals, if any, accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Bray, Coleman and Days.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Stoll	Wheeler--10		
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
Absent--Senators			
Mathewson	Quick--2		
Absent with leave--Senator Loudon--1			

Senator Stoll offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012, Page 11, Section 12.355, Line 6, by deleting the number "111,904,140" and inserting in lieu thereof the number "112,027,200" and amend section and bill totals accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HS** for **HCS** for **HB 1012**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HS** for **HCS** for **HB 1012**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--24
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Wheeler--9			
Absent--Senators--None			
Absent with leave--Senator Loudon--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1409**, entitled:

An Act to repeal sections 32.105, 32.110, 71.620, 100.710, 135.208, 135.209, 135.215, 135.530, 144.030, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-four new sections relating to economic development projects.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1477** and **1563**, entitled:

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 844**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to the establishment of the open contracting act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1433**,

entitled:

An Act to repeal sections 278.258, 644.076, 701.031, 701.033, 701.037, and 701.038, RSMo, and to enact in lieu thereof eleven new sections relating to regulation of water and sewer systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1093**, entitled:

An Act to amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with service dogs, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 15, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peter T. Ewell, Ph.D., 2524 Balsam Drive, Boulder, Colorado 80304, as an out of state member of the Truman State University Board of Governors, for a term ending January 1, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laurie Barrow, 5908 Northwest 104th Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Floyd O. Bartch, Democrat, 8005 Northeast 122nd Terrace, Kansas City, Clay County, Missouri 64167, as a member of the Missouri Gaming Commission, for a term ending April 29, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Annie R. Dixon, 601 Magnolia Drive, Hannibal, Marion County, Missouri 63401, as a member of the State Board of Barber Examiners, for a term ending September 1, 2006, and until her successor is duly appointed and qualified; vice, Shirley Sweet, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth C. Hensley, Democrat, 805 Gore, P.O. Box 245, Raymore, Cass County, Missouri 64083, as a member of the Public Defender Commission, for a term ending December 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathy Conley Jones, Democrat, 2 West Pine Court, St. Louis City, Missouri 63108, as a member of the Missouri Investment Trust, for a term ending February 24, 2006, and until her successor is duly appointed and qualified; vice, Rainey Crawford, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kerri Beth M. McBee-Black, Democrat, 1505 Preakness Drive, Columbia, Boone County, Missouri 65202, as a member of the Missouri Women's Council, for a term ending December 6, 2005, and until her successor is duly appointed and qualified; vice, Sherrie Nash, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

H. Bruce Nethington, Republican, 1130 South Geyer Road, Kirkwood, St. Louis County, Missouri 63122, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cleatus S. Stanfill, Democrat, 2905 Willow Street, Caruthersville, Pemiscot County, Missouri 63830, as a member of the Mississippi River Parkway Commission, for a term ending April 14, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald E. Thompson, Democrat, #5 Woodfort Court, Box 183, Troy, Lincoln County, Missouri 63379, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carolyn V. Atkins, Ph.D., 3029 Hogan Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jack D. Atterberry, Democrat, 1632 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Workers' Compensation Determinations Review Board, for a term ending March 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also, OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ollie C. Fisher, D.M.D., Republican, 6666 Foxshire Drive, St. Louis, St. Louis County, Missouri 63033, as a member of the State Board of Health, for a term ending October 13, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dawn M. Fuller, 1027 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2006, and until her successor is duly appointed and qualified; vice, Betsy Baird, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James D. Hill, Republican, 5241 Cote Brilliante, St. Louis City, Missouri 63113, as a member of the Missouri Development Finance Board, for a term ending September 14, 2007, and until his successor is duly appointed and qualified; vice, Susan Constance, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth D. Minton, Democrat, 702 Trotter Lane, Dexter, Stoddard County, Missouri 63841, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, James Reinhard, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joyce Murphy, 1150 Choctaw Ridge, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri State Public Employees Deferred Compensation Fund, for a term ending November 20, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger Obermeier, 4810 Woods Crossing, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists, for a term ending February 2, 2006, and until his successor is duly appointed and qualified; vice, Dennis Cory, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Arvid E. West, Jr., 3017 Oak Valley Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2007, and until his successor is duly appointed and qualified; vice, Donald Gralike, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William H. Worley, D.V.M., Democrat, 1243 West 64th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Hal M. Agler, 1529 North Jefferson, Springfield, Greene County, Missouri 65803, as a member of the State Committee for Social Workers, for a term ending October 23, 2007, and until his successor is duly appointed and qualified; vice, Lynda Quan, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert D. Blitz, Democrat, 61 Portland, Frontenac, St. Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Gretchen Myers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen Jeanne Jones, Republican, 7 Forest Oak Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Women's Council, for a term ending December 6, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donna Ostercamp, 1606 Wilson Avenue, Columbia, Boone County, Missouri 65201, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2010, and until her successor is duly appointed and qualified; vice, James A. Proffitt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lori J. Smith Patterson, Republican, #2 Drake Drive, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Women's Council, for a term ending December 6, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amanda Beth Skaggs, 2401 Fayette, North Kansas City, Clay County, Missouri 64116, as a member of the Missouri State Board of Nursing, for a term ending August 13, 2008, and until her successor is duly appointed and qualified; vice, Arthur Bante, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 6, 2004 for your advice and consent:

Linda Taylor Allen, Ph.D., 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2006, and until her successor is duly appointed and qualified; vice, Linda Taylor Allen, Ph.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 1233** and **HB 1188**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1797, regarding Shawn Michael Jaegers, which was adopted.

Senator Dougherty offered Senate Resolution No. 1798, regarding Serena Ryerkerk Doherty, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 1799, regarding Michael David Schopp, Ballwin, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

Lieutenant Governor of Missouri

Jefferson City

65101

April 22, 2004

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol Room 325

Jefferson City, Missouri 65101

Dear Madame Secretary:

I respectfully request that the following be included in today's (Thursday, April 22, 2004) Senate Journal.

Decisions made by the President of the Senate may not later be called into question other than by appeal of the chair. To preserve decorum, and out of respect of the Senate, Lt. Gov. Maxwell accepted direction of President Pro Tem Kinder and recognized Senator Scott to make the previous question motion.

In accordance with the Missouri State Constitution, as interpreted in the *State versus Cason* decision, I am required to follow the procedural rules of the Missouri Senate. The Lt. Gov., when recognizing Senator Scott and Senator Jacob, followed Rule #87 which states "*after a motion is stated by the chair it is deemed to be in possession of the Senate*" and Rule #76, which states "*if two or more Senators rise at once, the chair shall name the Senator who is to speak first, the other rising having the preference next to speak.*"

The Lt. Gov. will continue to follow the procedural rules as President of the Missouri Senate.

Thank you.

Sincerely,

/s/ Joe Maxwell

Joe Maxwell

INTRODUCTIONS OF GUESTS

Senator Bray introduced to the Senate, Andrew Bettman, Frontenac.

Senator Jacob introduced to the Senate, delegates for Third Annual Hispanic Day.

Senator Kinder introduced to the Senate, delegates for Third Annual Hispanic Day.

Senator Klindt introduced to the Senate, Stephen Terry, Independence; and Carly Smith-Spydell, Maryville.

Senator Champion introduced to the Senate, Dr. Robert H. Spence and his wife, Anne, Springfield.

Senator Jacob introduced to the Senate, fourth grade students from Fairview Elementary School, Columbia.

Senator Kinder introduced to the Senate, forty fourth grade students from Altenburg School, Altenburg.

Senator Gibbons introduced to the Senate, fifth grade students from Community School, St. Louis.

Senator Greisheimer introduced to the Senate, Sister M. Natanya Mouriose, Gabriel and David Gulfer, Matt Alberding, Michael Fahrenhorst, Trevor Lehman, Deanne Petersen, Caitlin Murphy, Zack Godat, Katherine and Stephanie Weider, Paige and Nancy Kuhlmann, Amber Meatte and Blake Kelly, students from St. Alban Roe Catholic School, Wildwood.

Senator Griesheimer introduced to the Senate, Bill Burt, St. Clair.

Senator Gross introduced to the Senate, Kathy Collier and Charlotte Crane, St. Charles.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. John Seidenfeld, M.D., St. Louis.

Senator Childers introduced to the Senate, Sheena Morris, Teresa Porter, Corey Hawkins and fifty-four fifth grade students and parents from Blue Eye Middle School, Blue Eye.

Senator Childers introduced to the Senate, Joseph Clark, Steven and Micah Marshall, Matthew, Sheleah, Titus, Scott and Leah McCully, Homeschoolers from McDonald County.

Senator Bray introduced to the Senate, the Physician of the Day, Kathrine Jahnige Mathews, M.D., M.P.H., St. Louis.

Senator Bartle introduced to the Senate, Stephani Reynolds and students from Blue Springs Freshman Center, Blue Springs.

Senator Gibbons introduced to the Senate, fifty-nine fourth grade students from St. Peter School, Kirkwood; and Grace Madden, Matthew Dude, Luke Hagerty and Abby Walsh were made honorary pages.

Senator Cauthorn introduced to the Senate, Coach Sara Williams, Kristin Osborn, Brooke Crandall, Jenny Elsea, Dani Moyer, Holly Hazen, Brooke Salter, Kellie Primmer, Kayla Moots, Stefanie McKim, Kimberly Elsea, Shanea Rusk, Amanda Mills, Chelsey Collop, Bridget and Ashley Clarkson and Andrea Reeves, members of the Adair County R-II Girls Basketball Team, Class 1 State Champions, Brashear.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, April 23, 2004.

SENATE CALENDAR

FIFTY-EIGHTH DAY-FRIDAY, APRIL 23, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

- HCS for HB 1118
- HB 773-Icet
- HCS for HBs 1286 & 1175
- HS for HCS for HB 1285-Engler
- HB 1160-Parker, et al
- HCS for HB 1509

HS for HCS for HJR 39, 38, 42 & 47-Engler

HS for HB 1409-Dempsey

HS for HCS for HBs 1477 & 1563-Schaaf

HB 844-Mayer, et al

HS for HCS for HB 1433-Wood

HCS for HB 1093 SENATE BILLS FOR PERFECTION

SB 1034-Childers, with SCS

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick, with SCS

(Cauthorn) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS &

SS for SCS (pending)

SB 755-Shields, with SCS, SS for SCS &

SS for SS for SCS (pending)

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA

2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS, SS

for SCS, SA 1 & SA 1 to SA 1 (pending)

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 &

point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott) (In

Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-

Goodman (Childers)

(In Fiscal Oversight)

HCS for HB 947 (Cauthorn)

HB 975-Johnson (47), et al (Wheeler)

HB 1047-Guest and Bivins (Klindt)

HB 1107-Crawford, et al (Shields)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246 (Loudon)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood,
with SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS
(Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS
(Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion) (In
Fiscal Oversight)

Reported 4/14

HB 1603-Lager (Klindt)
HCS for HBs 1529 & 1655 (Griesheimer)
HCS for HB 1136, with SCS (Dolan)
HCS for HB 1422 (Cauthorn)
HCS for HB 1171 (Klindt)
HB 1259-Threlkeld (Griesheimer)
HB 1126-Seigfreid, et al (Mathewson)
HCS for HB 1198 (Loudon)
HB 1502-Wilson (42), et al (Wheeler)
HB 1217-Johnson (47), et al, with SCS
(Wheeler)
HB 1572-St. Onge, et al (Loudon)
HCS for HB 1614 (Steelman)
HCS for HB 1253, with SCS (Loudon)
HB 884-Ward (Loudon)
HCS for HB 1233 (Griesheimer)
(In Fiscal Oversight)
HCS for HB 1090 (Quick)
HB 1440-Deeken, with SCS (Scott)
HB 1508-Baker (Bartle)
HCS for HB 1660, with SCS (Klindt)
HB 1616-Hanaway, et al (Gibbons)
HB 1444-Moore, et al (Vogel)
HCS for HB 988 (Bartle)
HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)

HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &
HB 1489-Dusenberger, et al, with SCS
(Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS
(Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)
(In Fiscal Oversight)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178-
Klindt, with HCS, as amended

SB 1080-Nodler, et al, with HCS, as
amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

RESOLUTIONS

To be Referred

SCR 48-Bland

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY--FRIDAY, APRIL 23, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"We need beauty around us to grow." (Christopher Coelho)

Creator God, as we complete a tough week let our minds find rest and enjoy the beauty of the world about us. Let us see Your handiwork in the blossoming of trees, in the array of colors among the flowers bursting forth and especially see love in the eyes of those You have given us to love that often seem so far from here. Let us find time to rejoice and give You praise for all of life's beauty. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
Absent with leave--Senators			
Dolan	Loudon--2		

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1800, regarding Kelley Martin, Kansas City, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 947**, entitled:

An Act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to nuisances.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HCS** for **HB 947** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators			
Dolan	Loudon--2		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 975, introduced by Representative Johnson (47), et al, entitled:

An Act to repeal sections 141.710, 141.760, and 141.790, RSMo, and to enact in lieu thereof three new sections relating to land trusts.

Was called from the Consent Calendar and taken up by Senator Wheeler.

Senator Wheeler moved that **HB 975** be read the 3rd time and finally passed.

At the request of Senator Wheeler, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

HB 1047, introduced by Representatives Guest and Bivins, entitled:

An Act to repeal section 78.590, RSMo, and to enact in lieu thereof one new section relating to salary of council members in certain cities.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 1047** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman

Stoll	Vogel	Yeckel--31
	NAYS--Senators--None	
	Absent--Senator Wheeler--1	
	Absent with leave--Senators	
Dolan	Loudon--2	

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1107, introduced by Representative Crawford, et al, entitled:

An Act to amend chapter 238, RSMo, by adding thereto one new section relating to property adjacent to certain transportation districts.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 1107** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Kinder	Stoll--2		
	Absent with leave--Senators		
Dolan	Loudon--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 1034**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1034**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1034

An Act to repeal sections 407.670 and 407.671, RSMo, and to enact in lieu thereof eight new sections relating to the buyers club law.

Was taken up.

Senator Childers moved that **SCS** for **SB 1034** be adopted.

Senator Childers offered **SS** for **SCS** for **SB 1034**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1034

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to vacation clubs, with penalty provisions.

Senator Childers moved that **SS** for **SCS** for **SB 1034** be adopted, which motion prevailed.

On motion of Senator Childers, **SS** for **SCS** for **SB 1034** was declared perfected and ordered printed.

Senator Childers moved that **SB 787**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 787**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 787

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof one new section relating to local approval for licensing of excursion gambling boats.

Was taken up.

Senator Childers moved that **SCS** for **SB 787** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 787, Page 1, Section A, Line 2, by inserting after all of said line the following:

"313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

- (1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;
- (2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for

licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions [including providing a maximum loss of five hundred dollars per individual player per gambling excursion];

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the

safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous-docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules."; and

Further amend page 7, section 313.812, line 204, by inserting after all of said line the following:

"313.822. A tax is imposed on the adjusted gross receipts received from gambling games authorized pursuant to sections 313.800 to 313.850 at the rate of twenty percent; **for licensees with adjusted gross receipts of greater than twenty million dollars an additional tax at a rate of one percent shall be imposed upon the amount of adjusted gross receipts in excess of twenty million dollars.** The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within twenty days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the twenty days. Except as provided in this section, on and after April 29, 1993, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The home dock city or county may enter into agreements with other cities or counties authorized pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section. The home dock city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied pursuant to this section, for use in providing services necessary for the safety of the public visiting an excursion gambling boat. Such home dock city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home dock city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be considered the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund shall be credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds for education fund shall be pursuant to state law."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 1** is out of order as it goes beyond the scope and title of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Shields offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 787, Page 5, Section 313.822, Line 22, by striking the word "twenty" and inserting in lieu thereof the following: "**thirty**"; and

Further amend line 25, by striking the word "twenty" and inserting in lieu thereof the following: "**thirty**".

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SA 1** to **SA 1** was withdrawn.

Senator Bray offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 787, Page 1, Section A, Line 2, by inserting after all of said line the following:

"313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held. Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also

licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions [including providing a maximum loss of five hundred dollars per individual player per gambling excursion];

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) To require excursion gambling boat licensees to develop a system, approved by the commission, that allows patrons the option to prohibit the excursion gambling boat licensee from using identifying information for marketing purposes. The provisions of this subdivision shall apply only to patrons giving identifying information for the first time. Such system shall be submitted to the commission by October 1, 2000, and approved by the commission by January 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from patrons who have elected to have marketing blocked under the provisions of this section only for the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit the commission from accessing identifying information for the purposes of enforcing section 313.004 and sections 313.800 to 313.850;

(15) To determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(16) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized pursuant to subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider

economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous-docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

(17) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(18) To require any applicant for a license or renewal of a license to operate an excursion gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to achieve maximum employment of African-Americans and other minorities and maximum participation in the procurement of contractual purchases of goods and services. This provision shall be administered in accordance with all federal and state employment laws, including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal, the licensee will report on the effectiveness of the plan. The commission shall include the licensee's reported information in its annual report to the joint committee on gaming and wagering;

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules."; and

Further amend page 7, section 313.812, line 204, by inserting after all of said line the following:

"313.822. A tax is imposed on the adjusted gross receipts received from gambling games authorized pursuant to sections 313.800 to 313.850 at the rate of twenty percent; **for licensees with adjusted gross receipts of greater than thirty million dollars an additional tax at a rate of two percent shall be imposed upon the amount of adjusted gross receipts in excess of thirty million dollars.** The taxes imposed by this section shall be returned to the commission in accordance with the commission's rules and regulations who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of these taxes and fees shall be made payable to the director of revenue. If the commission is not satisfied with the return or payment made by any licensee, it is hereby authorized and empowered to make an assessment of the amount due based upon any information within its possession or that shall come into its possession. Any licensee against whom an assessment is made by the commission may petition for a reassessment. The request for reassessment shall be made within twenty days from the date the assessment was mailed or delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment shall become final if a request for reassessment is not received by the commission within the twenty days. Except as provided in this section, on and after April 29, 1993, all functions incident to the administration, collection, enforcement, and operation of the tax imposed by sections 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The home dock city or county may enter into agreements with other cities or counties authorized pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section. The home dock city or county shall receive ten percent of the adjusted gross receipts tax collections, as levied pursuant to this section, for use in providing services necessary for the safety of the public visiting an excursion gambling boat. Such home dock city or county shall annually submit to the commission a shared revenue agreement with any other city or county. All moneys owed the home dock city or county shall be deposited and distributed to such city or county in accordance with rules and regulations of the commission. All revenues provided for in this section to be transferred to the governing body of any city not within a county and any city with a population of over three hundred fifty thousand inhabitants shall not be considered state funds and shall be deposited in such city's general revenue fund to be expended as provided for in this section.

(2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the state treasury. Moneys deposited in this fund shall be considered the proceeds of excursion boat gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the gaming proceeds for education fund shall be credited to the gaming proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds for education fund shall

be pursuant to state law."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above substitute amendment be adopted.

Senator Bartle requested a division of the question on the adoption of **SSA 1** for **SA 1**, asking that a vote first be taken on the portion of the amendment dealing with Section 313.805, appearing on Pages 1-5, and that a second vote be taken on Section 313.822, appearing on Pages 5-7.

Senator Jacob raised a point of order that division of the question is out of order as the amendment cannot be divided as the subject matter of the two sections are connected.

The point of order was referred to the President Pro Tem.

Senator Bartle was recognized to speak on the point of order.

Senator Jacob raised the point of order that remarks made by Senator Bartle are out of order.

The point of order was referred to the President Pro Tem, who ruled both points of order not well taken.

Senator Bartle's request for division of the question was granted.

At the request of Senator Childers, **SB 787**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HCS** for **HBs 795, 972, 1128** and **1161**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HCS** for **HB 978**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 959**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 1493**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 1288**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which were referred **HCS** for **HB 1040** and **HCS** for **HB 1041**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HS** for **HCS** for **HBs 1268** and **1211**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 1177**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HCS** for **HB 980**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1115**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 998** and **905**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 833**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 898**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Dolan, Chairman of the Committee on Transportation, Senator Gibbons submitted the following

report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 946, 1106 and 952**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HS** for **HCS** for **HB 1566**, with **SCS**; **HB 1613**, **HB 1445**, **HB 1454**, **HB 1462**, **HCS** for **HB 1471**, **HB 1608**, **HB 1612** and **HB 1635**, with **SCS**; and **SCS** for **HBs 1071, 801, 1275 and 989**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Nodler assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1118**--Transportation.

HB 773--Pensions and General Laws.

HCS for **HBs 1286 and 1175**--Commerce and the Environment.

HS for **HCS** for **HB 1285**--Small Business, Insurance and Industrial Relations.

HB 1160--Small Business, Insurance and Industrial Relations.

HCS for **HB 1509**--Aging, Families, Mental and Public Health.

HS for **HCS** for **HJRs 39, 38, 42 and 47**--Aging, Families, Mental and Public Health.

HS for **HB 1409**--Economic Development, Tourism and Local Government.

HS for **HCS** for **HBs 1477 and 1563**--Aging, Families, Mental and Public Health.

HB 844--Small Business, Insurance and Industrial Relations.

HS for **HCS** for **HB 1433**--Economic Development, Tourism and Local Government.

HCS for **HB 1093**--Aging, Families, Mental and Public Health.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HS** for **HB 1487**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1055**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1215**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1801, regarding Benjamin M. Farley, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Paul Peters, Waverly.

Senator Foster introduced to the Senate, Ruby Sipes, and Jordan Elliff, Samantha Anderson, Ashley Craig, Carla Proehl, Kandis Dickerson, Micah Smith, Hunter Smith, Hayden Watkins, Trent Whisnant, Todd Patterson and Travis Moe, students from Doniphan Christian School, Doniphan.

Senator Klindt introduced to the Senate, Mel Booth, McLean, Virginia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, April 26, 2004.

SENATE CALENDAR

FIFTY-NINTH DAY-MONDAY, APRIL 26, 2004

FORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HCS for HB 1566-Stefanick,

with SCS (Cauthorn)

HCS for HBs 795, 972, 1128 & 1161, with SCS

(Childers)

HS for HCS for HB 978-Baker (Yeckel)

HCS for HB 959, with SCS (Yeckel)

HB 1493-Emery, et al, with SCS (Scott)

HCS for HB 1288, with SCS (Steelman)

HCS for HB 1040 & HCS for HB 1041,

with SCS (Nodler)

HS for HCS for HBs 1268 & 1211-

Smith (118), with SCS (Loudon)

HCS for HB 1177, with SCS

HCS for HB 980 (Klindt)

HCS for HB 1115 (Gross)

HCS for HBs 998 & 905 (Griesheimer)

HCS for HB 833, with SCS (Vogel)

HCS for HB 898, with SCS (Shields)

HCS for HBs 946, 1106 & 952, with SCS (Dolan)

HS for HB 1487-Self (Scott)

HCS for HB 1055 (Vogel)

HCS for HB 1215, with SCS (Bartle)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS & SS for

SCS (pending)

SB 755-Shields, with SCS, SS for SCS &

SS for SS for SCS (pending)

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 810-Klindt, with SCS

SB 817-Kennedy and Griesheimer, with

SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for

SA 2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1023-Griesheimer

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS, SS

for SCS, SA 1 & SA 1 to SA 1 (pending)

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of

order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott) (In

Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-
Goodman (Childers)

HB 975-Johnson (47), et al (Wheeler)
Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HB 923-Holand and Fraser (Jacob)

HB 1622-Wasson, et al (Clemens)

HCS for HB 1399 (Clemens)

HCS for HB 1347 (Shields)

HCS for HB 1363 (Gibbons)

HB 1291-Pearce (Cauthorn)

HCS for HB 985 (Childers)

HCS for HB 1246 (Loudon)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with
SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS

(Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS

(Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS

(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer) (In

Fiscal Oversight)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)

HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &
HB 1489-Dusenberger, et al, with SCS
(Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS
(Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)
(In Fiscal Oversight)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SS for SCS for SBs 740, 886 & 1178-

Klindt, with HCS, as amended

SB 1080-Nodler, et al, with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

RESOLUTIONS

To be Referred

SCR 48-Bland

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY--MONDAY, APRIL 26, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"...for God is a God not of disorder but of Peace." (I Corinthians 14:33a)

Gracious God, we begin a new week faced with challenges and difficulties that will try our patience and weary our minds; but let us follow Your example of peace as we deal with others who do not agree with us. And Lord we need Your peace as we read and hear of over one hundred of our military killed this month in Iraq and more this weekend. So we pray for their families that You will comfort them and we pray for our leaders to find ways to resolve this conflict and establish peace and for those who are in harms way, that You will be an ever-present help. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, April 23, 2004, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Childers--1

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1802, regarding the 218th Engineering and Installation Squadron at Jefferson Barracks, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1803, regarding Angie Voelmeck, Clinton, which was adopted.

Senator Jacob offered Senate Resolution No. 1804, regarding Frances J. "Fran" Joy, Columbia, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1805, regarding Adam John Wallach, Washington, which was adopted.

Senator Stoll offered Senate Resolution No. 1806, regarding Jason Robert Yung, Imperial, which was adopted.

Senator Bartle offered Senate Resolution No. 1807, regarding Eric Damon Adlard, Sibley, which was adopted.

Senator Bartle offered Senate Resolution No. 1808, regarding Tyler Russell Foster, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1809, regarding Joshua Lewis Hignight, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1810, regarding Justin Andrew Blunt, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1811, regarding Kevin G. Schmitt, Lee's Summit, which was adopted.

Senator Steelman offered Senate Resolution No. 1812, regarding Carol A. Fisher, Argyle, which was adopted.

Senator Steelman offered Senate Resolution No. 1813, regarding Corrections Officer I Michael L. Nicholls, Crocker, which was adopted.

Senator Yeckel offered Senate Resolution No. 1814, regarding Michele Christine Scurry, Florissant, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 1034**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

HB 923, introduced by Representatives Holand and Fraser, entitled:

An Act to repeal sections 402.199, 402.200, 402.205, 402.215, and 402.217, RSMo, and to enact in lieu thereof five new sections relating to the Missouri family trust.

Was called from the Consent Calendar and taken up by Senator Jacob.

On motion of Senator Jacob, **HB 923** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields

Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dolan	Russell--3	
	Absent with leave--Senators		
Bland	Childers--2		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1622, introduced by Representative Wasson, et al, entitled:

An Act to repeal section 329.010, RSMo, and to enact in lieu thereof one new section relating to cosmetology.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HB 1622** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Coleman--1		
	Absent with leave--Senators		
Bland	Childers--2		

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1399**, entitled:

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to athletic trainers.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HCS for HB 1399** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Clemens	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bray	Coleman	Jacob	Kennedy
Quick	Wheeler--6		
Absent with leave--Senators			
Bland	Childers--2		

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 1347, entitled:

An Act to repeal sections 37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof eight new sections relating to the state library.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HCS for HB 1347** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Jacob	Quick--2		
Absent with leave--Senators			
Bland	Childers--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1363**, entitled:

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to an archival facility in St. Louis.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HCS** for **HB 1363** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Steelman	Stoll	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Jacob	Shields	Vogel--3	
Absent with leave--Senators			
Bland	Childers--2		

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 1291, introduced by Representative Pearce, et al, entitled:

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to unfair insurance practice and fraud.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HB 1291** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

	NAYS--Senators--None
	Absent--Senators
Jacob	Quick--2
	Absent with leave--Senators
Bland	Childers--2

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1246**, entitled:

An Act to repeal sections 331.010, 331.030, and 331.050, RSMo, and to enact in lieu thereof five new sections relating to chiropractors and their keeping of medical records.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HCS** for **HB 1246** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dolan	Goode	Jacob
Quick--5			
	Absent with leave--Senators		
Bland	Childers--2		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 1023** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Griesheimer offered **SS** for **SB 1023**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1023

An Act to repeal section 570.300, RSMo, and to enact in lieu thereof two new sections relating to the criminal use of audiovisual recording devices, with penalty provisions.

Senator Griesheimer moved that **SS** for **SB 1023** be adopted, which motion prevailed.

Senator Gross assumed the Chair.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Dolan moved that the vote by which **SS** for **SB 1023** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Coleman Jacob--2

Absent with leave--Senators

Bland Childers--2

SS for **SB 1023** was again taken up.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1023, Page 4, Section 578.500, Line 5 of said page, by inserting after the word "offense" the following: "**but excluding the lobby, entrance, or other areas of the building where a motion picture cannot be viewed**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1023, Page 4, Section 578.500, Lines 6-16, by striking all of said lines; and further renumber the subsection accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 1023, Page 2, Section 570.300, Line 6, by inserting after the word "equipment" the following: ", **which is**"; and

Further amend said bill, said page, said section, line 7, by inserting after the word "television" the following: "**and**"; and

Further amend said page, said section, line 8, by striking after the word "disruption" the following: "**fo**" and inserting in lieu thereof the word "**of**".

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SB 1023**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SB 1023**, as amended, was declared perfected and ordered printed.

Senator Klindt moved that **SB 810**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 810

An Act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

Was taken up.

Senator Klindt moved that **SCS** for **SB 810** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 810, Page 1, Section 258.100, Line 5, by deleting the opening bracket at the end of said line; and

Further amend same page, same section, line 9, by deleting immediately following the word "thousand" the closing bracket.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 810, Section 258.100, Line 20, Page 2, by adding after the word "shall" on such line the following "for natural condition occurring".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 2** was withdrawn.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 810, Page 2, Section 258.100, Line 24, by deleting the word "and" at the end of said line; and

Further amend same page, same section, line 25, by deleting the "." and inserting in lieu thereof the following "; **and (3) the injuries to person or property arose from naturally occurring conditions of the land.**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Kennedy and Wheeler.

SA 3 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Coleman
Days	Jacob	Kennedy--7	
	NAYS--Senators		
Caskey	Cauthorn	Champion	Clemens
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--21			
	Absent--Senators		
Dougherty	Mathewson	Quick	Stoll--4
	Absent with leave--Senators		
Bartle	Childers--2		

Senator Klindt moved that **SCS** for **SB 810** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 810** was declared perfected and ordered printed.

Senator Shields moved that **SB 755**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SB 755**, as amended, was again taken up.

Senator Coleman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 13, Section 174.020, Line 14, of said page, by striking the word "college" and inserting in lieu thereof the following: "**institution**"; and further amend line 15 of said page, by striking the word "College" and inserting in lieu thereof the following: "**University**"; and

Further amend said bill, page 16, Section 174.261, Line 5 of said page, by inserting after all of said line the following:

"174.290. 1. After August 28, 2004, the institution formerly known as Harris-Stowe State College located in the

city of St. Louis shall be known as Harris-Stowe State University. Harris-Stowe State University is hereby designated and shall hereafter be authorized to offer degree programs, both alone and in cooperation with other four-year institutions of higher education pursuant to subdivision (2) of subsection 2 of section 173.005, RSMo, with an emphasis on selected applied professional disciplines that meet the needs of the St. Louis metropolitan area. Harris-Stowe State University is hereby designated a moderately selective institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and (2) of subsection 2 of section 173.005, RSMo. Any new masters degree program offered at Harris-Stowe State University after August 28, 2004, must be approved by the coordinating board for higher education pursuant to the provisions of subdivision (1) or (2) of subsection 2 of section 173.005, RSMo.

2. As of July 1, 2008, Harris-Stowe State University shall discontinue any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board for higher education.

174.300. 1. Prior to October 17, 1978, the governor shall, with the advice and consent of the senate, appoint a six member board of regents to assume the general control and management of Harris-Stowe College. The members of the board shall serve for terms of six years each, except for the members first appointed, two of whom shall serve two-year terms, two of whom shall serve four-year terms, and two of whom shall serve six-year terms. Not more than three of the regents shall be affiliated with any one political party.

2. On or after August 28, 2004, Harris-Stowe State College shall be known as Harris-Stowe State University, and the provisions contained in subsection 1 of this section shall continue to apply to the institution.

174.310. 1. There shall be a period of orderly transition which shall begin with the appointment of the board of regents, during which the St. Louis board of education shall convey by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of Harris-Stowe State College, to the board of regents, and during which time the St. Louis board of education, at its own expense, shall continue to provide necessary supporting services to Harris-Stowe State College. The transition period shall terminate no later than July 1, 1979, at which time the regents shall be responsible for every aspect of the college's operation.

2. [Notwithstanding any other provisions of this chapter to the contrary, the board of regents of Harris-Stowe State College is authorized to offer undergraduate degree programs with an emphasis on selected applied professional disciplines that will meet the needs of the St. Louis metropolitan area. Such programs shall be subject to approval by the coordinating board for higher education as provided for in subdivision (1) of subsection 2 of section 173.005, RSMo.

3.] The state shall, effective July 1, 1978, provide the necessary funds to fully staff and operate Harris-Stowe State College and to make appropriate capital improvements.

3. On or after August 28, 2004, Harris-Stowe State College shall be known as Harris-Stowe State University, and the provisions contained in subsections 1 and 2 of this section shall continue to apply to the institution.

174.320. 1. Any person employed by Harris-Stowe State College prior to September 1, 1978, who is a member of the public school retirement system established in sections 169.410 to 169.540, RSMo, and who did not become a member of the Missouri state employees' retirement system may remain a member of that public school retirement system. Any employer contributions required to be made by sections 169.410 to 169.540, RSMo, shall be made by the state of Missouri.

2. Any person employed on or after September 1, 1978, as an instructor, teacher or administrator of Harris-Stowe State College and who did not become a member of the Missouri state employees' retirement system under section 104.342, RSMo, is a member of the public school retirement system of Missouri created by sections 169.010 to 169.130, RSMo. Any other person employed on or after September 1, 1978, as an employee of Harris-Stowe State College is a member of the Missouri state employees' retirement system established by sections 104.310 to 104.550, RSMo.

3. On or after August 28, 2004, Harris-Stowe State College shall be know as Harris-Stowe State University, and the provisions contained in subsections 1 and 2 of this section shall continue to apply to the institution."; and

Further amend said bill, Page 25, Section 174.020 of Section B, Line 2, by striking the word "college" and inserting in lieu thereof the following: **"institution"**; and further amend line 4 of said page, by striking the word "College" and inserting in lieu thereof the following: **"University"**; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 13, Section 174.020, Line 3, by deleting the words "Central Missouri State" and further amend said page and section, line 4, by inserting after the word "University", the following: **"of Central Missouri"** and further amend said bill, page 16, section 174.020, Line 19, by deleting the words "Central Missouri State" and inserting in lieu thereof **"the"** and further amend said bill, section and page, line 20, by inserting after the word "University", the following **"of Central Missouri"** and further amend said bill, page 24, line 31, Section B, by deleting the words "Central Missouri State" and further amend said bill, section, and page, line 32, by inserting after the word "University", the following: **"of Central Missouri"**.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 9, Section 172.925, Line 8, by inserting after said line the following:

"5. On or prior to August 28, 2006, the board of curators of the University of Missouri shall submit to the coordinating board for higher education a three-year plan outlining admissions requirements, tuition and fees, new program offerings, and mission program changes for the University of Missouri-Northwest. Pursuant to section 173.005, RSMo, the coordinating board shall approve all proposed new degree programs contained within the three-year plan."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 755, Page 25, Section B, Line 16, by inserting after all of said line, the following:

"Section C. The provisions of sections 172.925, 172.928, 172.931, 172.934, and 172.937 of section A of this act shall only become effective if the name of 'Southwest Missouri State University' is altered by the general assembly to 'Missouri State University' in section 174.020."

Senator Champion moved that the above amendment be adopted, which motion failed.

Senator Shields moved that **SS** for **SS** for **SCS** for **SB 755**, as amended, be adopted, which motion prevailed.

At the request of Senator Shields, **SS** for **SS** for **SCS** for **SB 755**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1002** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1003** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1004** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1005** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1006** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1007** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1008** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1009** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt

SCS, as amended, for **HS** for **HCS** for **HB 1010** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1011** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HS** for **HCS** for **HB 1012** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 21**, entitled:

An Act relating to the Poultry Industry Committee.

HOUSE CONCURRENT RESOLUTION NO. 21

AN ACT

Relating to the Poultry Industry Committee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

WHEREAS, the poultry industry is a vital, profitable, and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, the Poultry Industry Committee was created in 2002 to study the economic and environmental impact of the poultry industry in this state, especially the impacts this industry has on sensitive environmental areas; and

WHEREAS, while the Poultry Industry Committee has officially completed its duties, there is still work to be accomplished:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby reauthorize the "Poultry Industry Committee" to continue its review and evaluation of both the economic impact of the poultry industry, waste disposal issues, and environmental impacts of this industry, and as well as making recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Committee shall be composed of twenty-seven members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Southwest Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, one

person from Missouri Farm Credit Services. Each member of the Committee shall serve until December 31, 2005; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation and the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall continue to study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2005; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS for HS for HCS for HB 1002**, as amended; **SCS for HS for HCS for HB 1003**; **SCS for HS for HCS for HB 1004**; **SCS for HS for HCS for HB 1005**, as amended; **SCS for HS for HCS for HB 1006**; **SCS for HS for HCS for HB 1007**, as amended; **SCS for HS for HCS for HB 1008**; **SCS for HS for HCS for HB 1009**; **SCS for HS for HCS for HB 1010**, as amended; **SCS for HS for HCS for HB 1011**, as amended; and **SCS for HS for HCS for HB 1012**, as amended, to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS for HS for HCS for HB 1002**, as amended; **SCS for HS for HCS for HB 1003**; **SCS for HS for HCS for HB 1004**; **SCS for HS for HCS for HB 1005**, as amended; **SCS for HS for HCS for HB 1006**; **SCS for HS for HCS for HB 1007**, as amended; **SCS for HS for HCS for HB 1008**; **SCS for HS for HCS for HB 1009**; **SCS for HS for HCS for HB 1010**, as amended; **SCS for HS for HCS for HB 1011**, as amended; and **SCS for HS for HCS for HB 1012**, as amended, and grant the House a conference thereon, which motion prevailed.

SECOND READING OF CONCURRENT

RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 48--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **HS for HCS for HB 978**; **HCS for HB 1040** and **HCS for HB 1041**, with **SCS**; **HS for HCS for HBs 1268 and 1211**, with **SCS**; **HCS for HB 1055**; and **HCS for HB 1614** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following

reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 1023**; and **SCS** for **SB 810**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **HB 1188**, with **SCS**; and **HCS** for **HB 1233**, begs leave to report that it has considered the same and recommends that the bills do pass.

President Pro Tem Kinder assumed the Chair.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committees to act with like committees from the House on **SCS** for **HS** for **HCS** for **HB 1002**, as amended; **SCS** for **HS** for **HCS** for **HB 1003**; **SCS** for **HS** for **HCS** for **HB 1004**; **SCS** for **HS** for **HCS** for **HB 1005**, as amended; **SCS** for **HS** for **HCS** for **HB 1006**; **SCS** for **HS** for **HCS** for **HB 1007**, as amended; **SCS** for **HS** for **HCS** for **HB 1008**; **SCS** for **HS** for **HCS** for **HB 1009**; **SCS** for **HS** for **HCS** for **HB 1010**, as amended; **SCS** for **HS** for **HCS** for **HB 1011**, as amended; and **SCS** for **HS** for **HCS** for **HB 1012**, as amended: Senators Russell, Gross, Shields, Goode and Dougherty.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1001**; **SCS** for **HB 916**; and **HCS** for **HB 895**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 1815, regarding Central Elementary School in the Francis Howell R-III School District, St. Charles, which was adopted.

COMMUNICATIONS

Senator Goode submitted the following:

April 26, 2004

Ms. Terry Spieler

Secretary of the Senate

Room 325, Capitol Building

Jefferson City, MO 65101

Dear Secretary Spieler:

The attached correspondence is in response to the letter from the Lt. Governor, Joe Maxwell, dated April 22nd. I request that it be placed in the Journal of the Senate for Monday, April 26th.

Sincerely,

/s/ Wayne

WAYNE GOODE

April 26, 2004

The Honorable Joe Maxwell

Lt. Governor, State of Missouri

Room 121, Capitol Building

Jefferson City, MO 65101

Dear Joe:

This is in regard to your letter of April 22nd to the Secretary of the Senate.

Having read the letter, I understand your thinking in regard to what occurred in the Senate on the morning of Thursday, April 22nd. However, I strongly disagree with your interpretation of the rules. When Senator Bartle arose to raise a point of order, you ruled from the chair that the chair could only be challenged by an "appeal of the Chair" and that a point of order could not be raised. Clearly, the chair regardless of whether it is held by the Lt. Governor, President Pro-Tem or another member of the Senate is subject to the rules of the Senate and, therefore, is subject to a point of order raised by any member. As you know, I raised the same point of order that Senator Bartle attempted to raise and after some insistence on my part it was referred to the President Pro-Tem.

In your letter you interpret Rule 76, which reads, "if two or more Senator rise at once the Chair shall name the Senator who is to speak first, the other arising having the preference next to speak." I don't argue with the meaning of that rule, however, nothing therein prevents the first Senator from making any motion that is in order under the rules. That is, of course, what Senator Scott eventually did. As both Senator Mathewson and I pointed out, the rules of the Senate have long been interpreted to allow any Senator who has been recognized and, therefore, has the floor to make any motion or engage in any activity that is allowed under the rules and to keep the floor as long as the Senator desires. Clearly, the Chair cannot take the floor away from a Senator who has been recognized and gains the floor under the rules. This is the long-standing interpretation of the rules and the Chair is subject to a point of order, the same as any member of the Senate is, to assure that the rules are followed. That is not only the tradition of the Senate but the essence of the Cason decision. Any other interpretation would cause a major transfer of power from each individual Senator to the Chair. The collective power of the Senate is only as strong as that of each Senator.

With great respect to you as my friend, as well as Lt. Governor, I raised the point of order and asked that it be ruled upon because of the potential long-term impact of what was occurring in the Senate and each and every present and future Senator.

Sincerely,

/s/ Wayne

WAYNE GOODE

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Teresa and Cillian Deisner, Kirkwood.

Senator Caskey introduced to the Senate,

Robert and Nancy Wilson, Edwardsville, Illinois; and Jeremiah Finnegan, Kansas City.

On behalf of Senator Dolan and himself, Senator Loudon introduced to the Senate, Dan and Carol Crosby, O'Fallon.

Senator Griesheimer introduced to the Senate, James Simpson, Marthasville.

Senator Caskey introduced to the Senate, Debbie and Richie Davis, Adrian.

Senator Yeckel introduced to the Senate, Rodney and Elizabeth Huck, and Dorothy and Jack Manzo, Wildwood.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY-TUESDAY, APRIL 27, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 1034-Childers

SS for SB 1023-Griesheimer

SCS for SB 810-Klindt

SENATE BILLS FOR PERFECTION

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HCS for HB 1566-Stefanick,
with SCS (Cauthorn)
2. HCS for HBs 795, 972, 1128 & 1161,
with SCS (Childers)
3. HS for HCS for HB 978-Baker (Yeckel)
(In Fiscal Oversight)
4. HCS for HB 959, with SCS (Yeckel)
5. HB 1493-Emery, et al, with SCS (Scott)
6. HCS for HB 1288, with SCS (Griesheimer)
7. HCS for HB 1040 & HCS for HB 1041,
with SCS (Nodler) (In Fiscal Oversight)
8. HS for HCS for HBs 1268 & 1211-
Smith (118), with SCS (Loudon)
(In Fiscal Oversight)
9. HCS for HB 1177, with SCS
10. HCS for HB 980 (Klindt)
11. HCS for HB 1115 (Gross)
12. HCS for HBs 998 & 905 (Griesheimer)
13. HCS for HB 833, with SCS (Vogel)
14. HCS for HB 898, with SCS (Shields)
15. HCS for HBs 946, 1106 & 952, with SCS
(Dolan)
16. HS for HB 1487-Self (Scott)

17. HCS for HB 1055 (Vogel)

(In Fiscal Oversight)

18. HCS for HB 1215, with SCS (Bartle)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS &

SS for SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS, SS

for SCS, SA 1 & SA 1 to SA 1 (pending)

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order

(pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)

(In Fiscal Oversight)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-

Goodman (Childers)

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with

SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS (Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS (Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

(In Fiscal Oversight)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS (Dolan)

HB 826 & HCS for HB 883-Kelley (144),

with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberger, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS

for HB 1280-Bivins, with SCS (Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178-

Klindt, with HCS, as amended

SB 1080-Nodler, et al, with HCS, as amended

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS,

as amended

HS for HCS for HB 1002-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1003-Bearden, with

SCS (Russell)

HS for HCS for HB 1004-Bearden, with

SCS (Russell)

HS for HCS for HB 1005-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1006-Bearden, with

SCS (Russell)

HS for HCS for HB 1007-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1008-Bearden, with
SCS (Russell)

HS for HCS for HB 1009-Bearden, with
SCS (Russell)

HS for HCS for HB 1010-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1011-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with
SCS, as amended (Russell)

RESOLUTIONS

To be Referred

HCR 21-Ruestman, et al

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY--TUESDAY, APRIL 27, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"For you need endurance, so that when you have done the will of God, you may receive what was promised." (Hebrews 10:36)

Merciful God, the days grow long and we need Your strength and endurance so that we may accomplish what is right and needful here. Grant us faithfulness that we may meet the challenges of this day and seek to do Your bidding. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1816, regarding W. Dudley McCarter, which was adopted.

Senator Klindt offered Senate Resolution No. 1817, regarding Probation and Parole Officer II Debbie Bonderer, Chillicothe, which was adopted.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1566**, with **SCS**, introduced by Representative Stefanick, entitled:

An Act to repeal sections 208.145, 208.146, 208.151, 208.152, 208.631, 208.636, and 208.640, RSMo, and to enact in lieu thereof nine new sections relating to medical assistance cost containment within the Medicaid program.

Was taken up by Senator Cauthorn.

SCS for **HS** for **HCS** for **HB 1566**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1566An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to medical assistance cost containment within the Medicaid program.

Was taken up.

Senator Cauthorn moved that **SCS** for **HS** for **HCS** for **HB 1566** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **HS** for **HCS** for **HB 1566**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1566

An Act to repeal section 208.215, RSMo, and to enact in lieu thereof three new sections relating to medical assistance cost containment within the Medicaid program.

Senator Cauthorn moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1566** be adopted.

Senator Cauthorn offered **SS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1566**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1566

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to medical assistance cost containment within the Medicaid program.

Senator Cauthorn moved that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1566** be adopted.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1566, Page 3, Section 208.212, Line 16 of said page, by inserting at the end of said line the following: **"The department of social services shall promulgate rules that require applicants for medical assistance to state on their application whether they have purchased an annuity within twenty-four months of filing such application."**

Senator Loudon moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1566, Pages 2-3, Section 208.212, by striking all of said section from the bill and inserting in lieu thereof the following:

"208.213. 1. For purposes of Medicaid eligibility, investment in annuities shall be limited to those annuities that:

(1) Are actuarially sound as measured against the Social Security Administration Life Expectancy Tables, as amended;

(2) Provide equal or nearly equal payments for the duration of the device and which exclude "balloon" style final payments; and

(3) Provide the state of Missouri secondary or contingent beneficiary status ensuring payment if the individual predeceases the duration of the annuity, in an amount equal to the Medicaid expenditure made by the state on the individual's behalf.

2. The department shall establish a thirty-six month look-back period to review any investment in an annuity by an applicant for Medicaid benefits. If an investment in an annuity is determined by the department to have been made in anticipation of obtaining or with an intent to obtain eligibility for Medicaid benefits, the department shall have available all remedies and sanctions permitted under federal and state law regarding such investment. The fact that an investment in an annuity which occurred prior to the effective date of this section does not meet the criteria established in subsection 1 of this section shall not automatically result in a disallowance of such investment. The department of social services shall promulgate rules that require applicants for medical assistance to state on their application whether they have purchased an annuity within thirty-six months of filing such application.

3. The department of social services shall promulgate rules to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

At the request of Senator Cauthorn, **HS** for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives, through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1002**, as amended. Representatives: Bearden, Lager, Stevenson, Walker, Hoskins.

PRIVILEGED MOTIONS

Senator Nodler moved that **SB 1080**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1080**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1080

An Act to repeal sections 160.518, 160.538, and 160.720, RSMo, and to enact in lieu thereof two new sections relating to education accountability standards.

Was taken up.

Senator Nodler moved that **HCS** for **SB 1080**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			
NAYS--Senator Jacob--1			
Absent--Senators			
Bartle	Quick	Stoll--3	
Absent with leave--Senator Childers--1			

On motion of Senator Nodler, **HCS** for **SB 1080**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler

Yeckel--29

NAYS--Senators

Jacob

Quick--2

Absent--Senators

Bartle

Stoll--2

Absent with leave--Senator Childers--1

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

On motion of Senator Gibbons, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired the Senate was called to order by Senator Shields.

HOUSE BILLS ON THIRD READING

Senator Cauthorn moved that **HS** for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Nodler assumed the Chair.

At the request of Senator Cauthorn, **HS** for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives, through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1100**.

Bill ordered enrolled.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

HCR 21--Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1818, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Byron Johnston, Des Peres, which was adopted.

Senator Vogel offered Senate Resolution No. 1819, regarding Sandra K. Sanning, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1820, regarding Corrections Officer III Charles Wilson, Holts Summit, which was adopted.

Senator Vogel offered Senate Resolution No. 1821, regarding Corrections Officer III David Corum, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1822, regarding Corrections Officer III Richard Corser, Jefferson City, which was adopted.

Senator Bartle offered Senate Resolution No. 1823, regarding the Seventy-fifth Anniversary of the Farmers Insurance Group, which was adopted.

Senator Champion offered Senate Resolution No. 1824, regarding the 2003-2004 Southwest Missouri State University Lady Bears basketball team, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 1825, regarding Frances Lyle, Clinton, which was adopted.

Senator Childers offered Senate Resolution No. 1826, regarding Gregory L. May, which was adopted.

Senator Childers offered Senate Resolution No. 1827, regarding Karen S. Woods, which was adopted.

Senator Loudon offered Senate Resolution No. 1828, regarding Michael William DeMarco, Ballwin, which was adopted.

Senator Caskey offered Senate Resolution No. 1829, regarding Cheryl Sue Boos, Peculiar, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Randy Lewis, Wright City; and Eric Park, Washington.

Senator Foster introduced to the Senate, Judith Davis, Arika Ballenger, Michael Biri, Rusti Curnutt, Todd Fowler, Rickey Gower, Jessica Meadows, Venessa Tanksley and Rachel Whelan, students from Southern Missouri Christian School, Poplar Bluff.

Senator Loudon introduced to the Senate, Wayne, LaVerne and Kim Swisher, Ballwin.

Senator Loudon introduced to the Senate, the Physician of the Day, G. Patrick O'Donnell, M.D., and his wife, Lupe, Chesterfield.

Senator Callahan introduced to the Senate, Judge Susan Watkins and her family, Independence.

Senator Yeckel introduced to the Senate, Nancy Werkmeister and seventy-one eighth grade students and adults from St. Catherine Laboure School, St. Louis; and Emily Doerr, Brett Hill, John Vaughn and Jennifer Weil were made honorary pages.

Senator Griesheimer introduced to the Senate, Steve Seneczyn, Wildwood.

Senator Wheeler introduced to the Senate, former State Representative Bonnie Sue Cooper, Wayne Cauthen and Becky Nacy, Kansas City.

Senator Caskey introduced to the Senate, Crystal Burch and fourth grade students from Northeast Vernon County

School; and Crystal Bogardus and Tanner Stutzman were made honorary pages.

Senator Caskey introduced to the Senate, Chris Livingston, his son Taylor and his father-in-law, Bill Barbieri, Pleasant Hill.

Senator Caskey introduced to the Senate, Tim Silvers, Adrain; and Tom Livingston, Overland Park, Kansas.

Senator Scott introduced to the Senate, Bonnie Swisher, Richard Orr, Carolyn Harms, Principal Becky Gallagher and students from Windsor Elementary-Henry County R-I School; and Devin Eggers, Chase Drenon, Trenton Scott, Kyndra McCampbell and Baille Strong were made honorary pages.

Senator Stoll introduced to the Senate, Oliver A. Berwin, Jr., and Janet, Regina, and Samantha Berwin, Festus.

Senator Stoll introduced to the Senate, Shirley Keener with Christian Outreach School, Hillsboro.

Senator Griesheimer introduced to the Senate, Anthony Shaffar, Wildwood; and Frederick Welling, Eureka.

Senator Coleman introduced to the Senate, eighth grade students from River Roads Lutheran School, St. Louis.

Senator Clemens introduced to the Senate, David and Robin Marlin, and their daughter, Ashley, Conway; and Ashley was made an honorary page.

On behalf of Senator Shields, the President introduced to the Senate, students from Truman Middle School, St. Joseph.

Senator Yeckel introduced to the Senate, Geri Pitti and twenty-four eighth grade students and adults from St. Matthias the Apostle School, St. Louis.

Senator Gibbons introduced to the Senate, Staff Sergeant, Joel Rutherford, University City.

Senator Days introduced to the Senate, Joe Prophet and Ed Stallings, St. Louis.

On behalf of Senator Shields, the President introduced to the Senate, Teresa Talipana,

National Distinguished Principal for Missouri, Park Hill School District, Kansas City.

Senator Goode introduced to the Senate, his wife, Jane, St. Louis County; and his daughter Jennifer Goode, Seattle, Washington.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIRST DAY-WEDNESDAY, APRIL 28, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 1034-Childers

SS for SB 1023-Griesheimer

SCS for SB 810-Klindt

SENATE BILLS FOR PERFECTION

SB 1366-Yeckel, with SCS

SB 1196-Klindt, with SCS

SB 1096-Caskey, with SCS

SB 735-Foster, et al, with SCS

SB 1153-Cauthorn

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HCS for HBs 795, 972, 1128 & 1161,

with SCS (Childers)

2. HS for HCS for HB 978-Baker

(Yeckel) (In Fiscal Oversight)

3. HCS for HB 959, with SCS (Yeckel)

4. HB 1493-Emery, et al, with SCS (Scott)

5. HCS for HB 1288, with SCS

(Griesheimer)

6. HCS for HB 1040 & HCS for HB 1041,

with SCS (Nodler) (In Fiscal

Oversight)

7. HS for HCS for HBs 1268 & 1211-

Smith (118), with SCS (Loudon)

(In Fiscal Oversight)

8. HCS for HB 1177, with SCS (Cauthorn)

9. HCS for HB 980 (Klindt)

10. HCS for HB 1115 (Gross)

11. HCS for HBs 998 & 905 (Griesheimer)

12. HCS for HB 833, with SCS (Vogel)

13. HCS for HB 898, with SCS (Shields)

14. HCS for HBs 946, 1106 & 952, with

SCS (Dolan)

15. HS for HB 1487-Self (Scott)

16. HCS for HB 1055 (Vogel) (In Fiscal

Oversight)

17. HCS for HB 1215, with SCS (Bartle)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SBs 738 & 790-Loudon, with SCS & SS for

SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 817-Kennedy and Griesheimer, with

SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for

SA 2 (pending)

SB 906-Foster, with SCS

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SBs 1221 & 1305-Kinder, with SCS, SS

for SCS, SA 1 & SA 1 to SA 1

(pending)

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS

(pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of

order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott)

(In Fiscal Oversight)

HS for HCS for HB 1566-Stefanick,

with SCS, SS for SCS, SS for SS for

SCS, SA 1 & SSA 1 for SA 1 (pending)

(Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-

Goodman (Childers)

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with
SCS (Steelman) Reported 4/13

HB 822-Luetkemeyer, et al, with SCS
(Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS
(Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion) Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS
(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman) (In Fiscal
Oversight)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS

(Dolan)

HB 826 & HCS for HB 883-Kelley (144),

with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberger, et al, with SCS

(Bartle)

HCS for HB 928, HCS for HB 1123 & HCS

for HB 1280-Bivins, with SCS

(Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178-

Klindt, with HCS, as amended

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS,

as amended

HS for HCS for HB 1002-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1003-Bearden, with

SCS (Russell)

HS for HCS for HB 1004-Bearden, with

SCS (Russell)

HS for HCS for HB 1005-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1006-Bearden, with

SCS (Russell)

HS for HCS for HB 1007-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1008-Bearden, with

SCS (Russell)

HS for HCS for HB 1009-Bearden, with

SCS (Russell)

HS for HCS for HB 1010-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1011-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with

SCS, as amended (Russell)

RESOLUTIONS

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY--WEDNESDAY, APRIL 28, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Out of the depths I cry to thee, O Lord! Lord hear my voice! Let thy ears be attentive to the voice of my supplications!" (Psalm 130:1-2)

Merciful and gracious God, we call upon You as yet another one we have cared for has died. We commend Ron Kirchoff to Your tender care and trust in Your mercy. Bless and comfort his family who are in shock at the suddenness of this illness and death; be an ever present help and comfort them with the memory of Your goodness. And Lord we pray, let each of us know the blessed assurance of Your abiding presence as grief again has touched this Senate family. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

The Senate paused for a moment of silence in memory of Ron Kirchoff.

Senator Bartle assumed the Chair.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1830, regarding the Francis Howell R-III School District, St. Charles, which was adopted.

CONCURRENT RESOLUTIONS

Senator Nodler offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 49

WHEREAS, the General Assembly favors a sound dollar that reflects economic fundamentals, but not one that is so excessively strong as to be overvalued; and

WHEREAS, the value of the U.S. dollar against other major currencies has risen thirty percent since 1997 and has reached the highest level in sixteen years despite the fact that economic fundamentals have moved in the opposite direction; and

WHEREAS, this rise in the value of the dollar is imposing the equivalent of a thirty percent added tariff on U.S. exports and permits imports to be sold at artificially low prices in the United States-with the effect of severely hampering the exports of American manufactured goods, artificially increasing imports above what they otherwise would be, and distorting the earnings of U.S. affiliates overseas; and

WHEREAS, since August 2000, U.S. manufactured goods exports fell one hundred forty billion dollars, which accounted for nearly forty percent of the decline in U.S. manufacturing production and employment and for the loss of more than five hundred thousand factory jobs; and

WHEREAS, a broad range of U.S. industries have seen a sharp decline in their ability to compete against imports since the dollar began its climb in 1997, with commensurate additional losses of American jobs; and

WHEREAS, both small and large companies are being affected, and after rising steadily throughout the 1990s, the proportion of small- and medium-sized companies exporting at least twenty-five percent of their production has now declined to the lowest level since the National Association of Manufacturers began surveying; and

WHEREAS, the trade and job losses related to the excessive strength of the dollar are decreasing support for free trade policies and leading to increased pressures for protectionism; and

WHEREAS, the value of the dollar has failed to move in the direction of an equilibrium that would end trade distortions, principally because of market imperfections such as a belief that governments will intervene to keep currency relationships at their present levels:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, urge the President of the United States of America and Congress to consider actions that can be taken to enable the dollar and other major currencies to move toward their equilibrium rates by correcting market imperfections, countering foreign country currency manipulations, and seeking cooperation among major countries in taking coordinated actions as appropriate; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 1034**, introduced by Senator Childers, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1034

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to vacation clubs, with penalty provisions.

Was taken up.

Senator Nodler assumed the Chair.

On motion of Senator Childers, **SS** for **SCS** for **SB 1034** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

NAYS--Senators--None

Absent--Senator Wheeler--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SB 1023**, introduced by Senator Griesheimer, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 1023

An Act to repeal section 570.300, RSMo, and to enact in lieu thereof two new sections relating to the criminal use of audiovisual recording devices, with penalty provisions.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SB 1023** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Foster Quick--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 810

An Act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS** for **SB 810** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
	NAYS--Senator Jacob--1		
	Absent--Senators		
Quick	Stoll--2		
	Absent with leave--Senators--None		

Senator Bartle assumed the Chair.

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 1366, with **SCS**, was placed on the Informal Calendar.

Senator Klindt moved that **SB 1196**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1196

An Act to repeal sections 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof nine new sections relating to fireworks regulations, with penalty provisions.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1196** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1196, Page 11, Section 320.136, by striking all of said section and insert in lieu thereof the following:

"320.136. **(1)** Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and [various] **any other tubular salutes or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or** which exceed the federal limits set for fireworks UNO336, 1.4G formerly known as class C common fireworks, by the United States Department of Transportation for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, [and] **or** use within the state of Missouri for any purpose. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020, RSMo.

(2) Display fireworks UNO335, 1.3G, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S as classified by the United States Department of Transportation are prohibited for consumer use. Possession and use of display and proximate fireworks shall be limited to a holder of applicable permits."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCS** for **SB 1196**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1196**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 1096**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 1096**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1096

An Act to amend chapter 700, RSMo, by adding thereto fifteen new sections relating to regulating the installation of manufactured homes, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 1096** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 1096** was declared perfected and ordered printed.

SB 735, with **SCS**, was placed on the Informal Calendar.

Senator Cauthorn moved that **SB 1153** be taken up for perfection, which motion prevailed.

On motion of Senator Cauthorn, **SB 1153** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1003**.
Representatives: Bearden, Lager, Stevenson, Harris (23) and Fraser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1004**.
Representatives: Bearden, Lager, Icet, Muckler and Zweifel.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1005**, as amended. Representatives: Bearden, Lager, Icet, Villa and Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1006**.
Representatives: Bearden, Lager, Icet, Whorton and Kuessner.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1007**, as amended.
Representatives: Bearden, Lager, Icet, Lowe and Boykins.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1008**.
Representatives: Bearden, Lager, Icet, Barnitz and Wildberger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1009**.
Representatives: Bearden, Lager, Stevenson, Ward and Meadows.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1010**, as amended.
Representatives: Bearden, Lager, Icet, Wilson (25) and Johnson (61).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1011**, as amended. Representatives: Bearden, Lager, Icet, Campbell and Sanders Brooks.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1012**, as amended. Representatives: Bearden, Lager, Icet, LeVota and Donnelly.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

A quorum was established by the following vote:

Present--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Yeckel--24
Absent--Senators			
Bland	Coleman	Dolan	Foster
Goode	Scott	Steelman	Stoll
Vogel	Wheeler--10		
Absent with leave--Senators--None			

The Senate paused for a moment of silence in memory of workers who have lost their lives the past twelve months.

Senator Russell requested unanimous consent of the Senate that the Senate conferees on **SCS** for **HS** for **HCS** for **HBs 1002** through **1012** be allowed to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that Representative Stevenson will be replacing Representative Icet on the Conference Committee for **SCS** for **HS** for **HCS** for **HB 1010** as amended and **SCS** for **HS** for **HCS** for **HB 1012** as amended.

SENATE BILLS FOR PERFECTION

Senator Foster moved that **SB 906**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 906**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 906

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

Was taken up.

Senator Foster moved that **SCS** for **SB 906** be adopted.

Senator Foster offered **SS** for **SCS** for **SB 906**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 906

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

Senator Foster moved that **SS** for **SCS** for **SB 906** be adopted.

Senator Childers assumed the Chair.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 906, Page 1, Section 376.381, Line 17, by inserting after all of said line the following:

"379.938. 1. A health benefit plan subject to sections 379.930 to 379.952 shall be renewable with respect to all eligible employees and dependents, at the option of the small employer, except in any of the following cases:

- (1) Nonpayment of the required premiums;
- (2) Fraud or misrepresentation of the small employer or, with respect to coverage of individual insureds, the insureds or their representatives;
- (3) Noncompliance with the carrier's minimum participation requirements;
- (4) Noncompliance with the carrier's employer contribution requirements;
- (5) Repeated misuse of a provider network provision; or
- (6) **The small employer carrier elects to discontinue all or some of its health benefit plans delivered or issued for delivery to small employers in this state as part of a plan of administrative simplification provided that the small employer carrier, through itself or an affiliated carrier, guarantees issue of another health benefit plan in a similar class of business to those eligible employees and dependents covered under the discontinued plan and the small employer carrier, or its affiliated carrier providing such guaranteed issue, treats the impacted eligible employees and dependents as if they had continuous coverage from the date that they first became covered under the discontinued plan;**
- (7) The small employer carrier elects to nonrenew all of its health benefit plans delivered or issued for delivery to small employers in this state. In such a case the carrier shall:

(a) Provide advance notice of its decision under this subdivision to the insurance supervisory official in each state in which it is licensed; and

(b) Provide notice of the decision not to renew coverage to all affected small employers and to the insurance supervisory official in each state in which an affected covered individual is known to reside at least one hundred eighty days prior to the nonrenewal of any health benefit plan by the carrier. Notice to the insurance supervisory official under this paragraph shall be provided at least three working days prior to the notice to the affected small employers;

[(7)] (8) The director finds that the continuation of the coverage would:

(a) Not be in the best interests of the policyholders or certificate holders; or

(b) Impair the carrier's ability to meet its contractual obligations.

In such instance the director shall assist affected small employers in finding replacement coverage.

2. A small employer carrier that elects not to renew a health benefit plan under subdivision (6) of subsection 1 of this section shall be prohibited from writing new business in the small employer market in this state for a period of five years from the date of notice to the director.

3. In the case of a small employer carrier doing business in one established geographic service area of the state, the provisions of this section shall apply only to the carrier's operations in such service area."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 906, Page 1, Section A, Line 3, by inserting after all of said line the following:

"354.001. 1. Any health services corporation, health maintenance organization, or other entity organized pursuant to this chapter shall not require, as a condition of participation in the provider network of the corporation, organization, or other entity, that a physician maintain a medical malpractice insurance policy that is deemed by the director of the department of insurance to be excessive pursuant to the provisions of section 379.318, RSMo.

2. The director of the department of insurance is authorized to promulgate rules and regulations to effectuate the purposes of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Foster, SB 906, with SCS, SS for SCS and SA 2 (pending), was placed on the Informal Calendar.

Senator Nodler assumed the Chair.

Senator Kinder moved that **SB 1221** and **SB 1305**, with **SCS, SS for SCS, SA 1** and **SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SA 1 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

SA 1 was again taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 4, Section 8.665, Line 5, by inserting after all of said line, the following:

"135.1100. 1. As used in this section, the following words or phrases shall mean:

(1) "Eligible employee", a person who is hired on or after August 28, 2004, by the eligible employer claiming the credit allowed pursuant to subsection 2 of this section, and who has been retained as a full-time employee of the eligible employer for a period of not less than twelve consecutive months immediately preceding the date upon which the credit is claimed, who is a graduate of a Missouri college, university, or vocational or technical school, and who received scholarship benefits pursuant to the Missouri college guarantee program established pursuant to the provisions of sections 173.810 to 173.830, RSMo;

(2) "Eligible employer", any person, firm, corporation, partnership, or association that is actively engaged in business within this state, except that an eligible employer shall not be an eligible employee in the same tax year;

(3) "Full-time employee", a person who is an employee of the eligible employer and who works not less than thirty-five hours during an average work week for the employer. The term "full-time employee" does not include independent contractors, part-time employees, temporary or substitute employees, partners or owners.

2. In order to encourage employment of recipients of Missouri college guarantee scholarships, an eligible employer shall be allowed a credit of ten thousand dollars per eligible employee against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo. An eligible employer may not claim the credit authorized by this section more than one time for any particular individual who qualifies as an eligible employee.

3. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over to any of the next five subsequent taxable years, but shall not be refunded and shall not be transferable.

4. The department of revenue shall administer the tax credit authorized by this section. The director of revenue is authorized to promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid

and void.

5. The tax credits issued pursuant to this section shall not exceed a total for all tax credits issued of five million dollars per fiscal year.

6. The provisions of subsections 1 to 3 of this section shall become effective on January 1, 2005, and shall apply to all taxable years beginning after December 31, 2004.

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993 **and ending before January 1, 2005, and all tax years beginning January 1 after all bonds issued pursuant to subsection 9 of section 8.665 have been retired**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

5. The commissioner of administration shall estimate the difference in the amount of revenue raised by the provisions of subsection 3 of this section in the last full calendar year in which the provisions of subsection 3 of this section allowed a deduction, compared to the amount of revenue raised annually as a result of the removal of such deduction, and shall cause such difference in the amount of revenue to be allocated annually to provide debt service and debt retirement for bonds issued pursuant to subsection 9 of section 8.665, RSMo; any remaining amount after such allocation shall be transferred to the Missouri college guarantee fund established pursuant to the provisions of sections 173.810 to 173.830, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Nodler assumed the Chair.

Senator Champion offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 3, Section 8.665, Line 10, by inserting after the word "science", the following: "**renovation and construction**".

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1221 and 1305, Page 4, Section B, Lines 6-10, by striking all of said lines from the bill; and further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bartle, Cauthorn, Griesheimer and Shields.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Gibbons	Jacob	Mathewson	Quick--8
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Dolan
Dougherty	Foster	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Kinder moved that **SS** for **SCS** for **SBs 1221** and **1305**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SBs 1221** and **1305**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 1196**; **SCS** for **SB 1096**; and **SB 1153**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 1831, regarding the Forty-Fifth Wedding Anniversary of Mr. and Mrs. Edgar McElhannon, Springfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 1832, regarding the Il Pensiero Newspaper's One Hundredth Anniversary, which was adopted.

Senator Stoll offered Senate Resolution No. 1833, regarding Nicole Voss, DeSoto, which was adopted.

Senator Stoll offered Senate Resolution No. 1834, regarding Shirley Voss, DeSoto, which was adopted.

Senator Stoll offered Senate Resolution No. 1835, regarding the Big River VFW Post 5331, Cedar Hill, which was adopted.

Senator Bland offered the following resolution:

SENATE RESOLUTION NO. 1836

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the Youth Leadership Conference sponsored by the Missouri Legislative Black Caucus Foundation is an educational experience in state government for youth by allowing such youth to participate in the democratic process;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, hereby grant the Youth Leadership Conference permission to use the Senate Chamber on Thursday, June 24, 2004, through Sunday, June 27, 2004.

Senator Bland requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1836** up for adoption, which request was granted.

On motion of Senator Bland, **SR 1836** was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 1160**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, entitled:

An Act to amend chapter 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction.

With House Amendments Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 11, Section 431.306, Line 3, by inserting after all of said line the following: "**or**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 19, Section 431.315, Line 24, by inserting immediately after all of said line the following:

"4. The provisions of sections 431.300 to 431.315 shall not apply to an action brought by an insurer, subrogated to the rights of a claimant, if payment was made by the insurer pursuant to a claim under an insurance policy."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 14, Section 431.306, Line 15, by inserting after "**defects**" the following: "**including defective garage doors**"; and

Further amend said section and page, line 16, by inserting after "**defects**" the following: "**including defective garage doors**".

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

Senator Bland introduced to the Senate, Velda Cook, Kansas City.

Senator Caskey introduced to the Senate, Eugene and Wilma Ruth Hubbard, Hermann.

Senator Nodler introduced to the Senate, Lisa Keele and her daughters, Karli, Alison and Michaela, students from College Heights Christian School, Joplin.

Senator Champion introduced to the Senate, Lynn Vogel and twenty-four eighth grade students and parents from St. Agnes School, Springfield.

Senator Russell introduced to the Senate, Don and Cathern Long and members of Wright County and Texas County University Extension Excel Class, Hartville.

Senator Childers introduced to the Senate, Mrs. Pat Schweitzer, Mrs. Karen Woods, Mr. Greg May and members of the Reeds Spring Schools Honor Society, Reeds Spring; and Travis Caldwell, Kyle Cooper, Sobrina Deets and Laura Duncan were made honorary pages.

Senator Foster introduced to the Senate, Linda and Don Scowden, Greenville.

Senator Jacob introduced to the Senate, winners of the Mel Carnahan PAC, twelfth grade students, Chelsea Kinney and Crystal Hemphill from Stockton High School; eleventh grade students, Kari Salmon and Kourtney Robinson, and tenth grade students, Melissa Whiteside and Keaton Paylor from Hermitage High School.

Senator Cauthorn introduced to the Senate, Chief Ken Hoover, Mexico; Mary Beth and Scott Ray and Thomas L. Jones, Monroe County.

Senator Klindt introduced to the Senate, Carl, Diana and Garrett Bennett, Bethany; and Garrett was made an honorary page.

Senator Kinder introduced to the Senate, Jim Woeltje and twenty-six seventh and eighth grade students and adults from St. Paul's Lutheran School, Jackson.

Senator Greisheimer introduced to the Senate, Dennis Wojciechowicz, Wright City; Mike Owenby, Meg Lefferdink, Keith Smith, and Ed McCormick, Warrenton Fire Protection District.

Senator Jacob introduced to the Senate, Mike Hall, Columbia.

Senator Yeckel introduced to the Senate, Tim Dorsey, Creve Couer; and Paul Mercurio, St. Louis County.

Senator Kennedy introduced to the Senate, the Physician of the Day, Dr. Gregory K. Terpstra, D.O., Potosi.

Senator Griesheimer introduced to the Senate, fourth grade students from St. Gertrude Catholic School, Krakow.

Senator Griesheimer introduced to the Senate, Dave Phipps, Rick Friedmann and Mary and Katelyn Biermann, Pacific.

Senator Stoll introduced to the Senate, sixty-five fourth grade students and parents from Antonia Elementary School, Jefferson County; and Taylor Hurley, Otto Schmidt and Chris Melton were made honorary pages.

Senator Gibbons introduced to the Senate, Tara Bopp, Anne Fisher, Lara Bopp, Tiffany Iazard, Erica Wunderlich, Drew Korfe, Jesse Youngstrom, Travis Hawk, Frederick Doss, Joshua Mugg and Lisa Autry, Kirkwood.

Senator Yeckel introduced to the Senate, Holly Kunze and eighty-three fourth grade students and adults from Kennerly Elementary School, St. Louis.

Senator Griesheimer introduced to the Senate, seventh grade students from Lonedell R-14 School, Lonedell.

Senator Kennedy introduced to the Senate, Michelle Raby, St. Louis; Tyler Green, Webb City; Adam Jones, Maywood; and Michele, Kai-Lea and Dixie Troyer, Patton.

Senator Gibbons introduced to the Senate, seventy-five fourth grade students from Tillman Elementary School, Kirkwood; and Avery Warrick, Maroun Abou-Nader and Suzy Bambini were made honorary pages.

Senator Bray introduced to the Senate, Marilyn Daffer, Blue Springs; and Linda Hess, Independence.

Senator Dolan introduced to the Senate, Master Sgt. John H. Campbell and his wife, Susan, Holts Summit.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SECOND DAY-THURSDAY, APRIL 29, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 1196-Klindt

SCS for SB 1096-Caskey

SB 1153-Cauthorn

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HCS for HBs 795, 972, 1128 & 1161,

with SCS (Childers)

2. HS for HCS for HB 978-Baker

(Yeckel) (In Fiscal Oversight)

3. HCS for HB 959, with SCS (Yeckel)

4. HB 1493-Emery, et al, with SCS

(Steelman)

5. HCS for HB 1288, with SCS

(Griesheimer)

6. HCS for HB 1040 & HCS for HB 1041,

with SCS (Nodler) (In Fiscal

Oversight)

7. HS for HCS for HBs 1268 & 1211-

Smith (118), with SCS (Loudon)

(In Fiscal Oversight)

8. HCS for HB 1177, with SCS

(Cauthorn)

9. HCS for HB 980 (Klindt)

10. HCS for HB 1115 (Gross)

11. HCS for HBs 998 & 905 (Griesheimer)

12. HCS for HB 833, with SCS (Vogel)

13. HCS for HB 898, with SCS (Shields)

14. HCS for HBs 946, 1106 & 952, with
SCS (Dolan)

15. HS for HB 1487-Self (Scott)

16. HCS for HB 1055 (Vogel) (In Fiscal
Oversight)

17. HCS for HB 1215, with SCS (Bartle)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for
SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1
for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &
SA 2 (pending)

SB 817-Kennedy and Griesheimer, with
SCS

SB 856-Loudon, with SCS, SS for SCS, SS
for SS for SCS, SA 2 & SSA 1 for
SA 2 (pending)

SB 906-Foster, with SCS, SS for SCS &
SA 2 (pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross
and Griesheimer, with SCS, SS for
SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS

(pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of

order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott) (In

Fiscal Oversight)

HS for HCS for HB 1566-Stefanick, with
SCS, SS for SCS, SS for SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
(Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

SCS for HBs 1071, 801, 1275 & 989-
Goodman (Childers)

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HB 938-Luetkemeyer, with SCS (Loudon)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

HS for HCS for HB 1290-Portwood, with

SCS (Steelman)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS

(Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS

(Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS
(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman) (In Fiscal
Oversight)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)

HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberg, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS
(Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SBs 740, 886 & 1178-

Klindt, with HCS, as amended

SS for SCS for SB 1081-Kinder, et al,

with HS for HCS, as amended

SCS for SB 1160-Shields, et al, with HS

for HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS,

as amended

HS for HCS for HB 1002-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1003-Bearden, with
SCS (Russell)

HS for HCS for HB 1004-Bearden, with
SCS (Russell)

HS for HCS for HB 1005-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1006-Bearden, with
SCS (Russell)

HS for HCS for HB 1007-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1008-Bearden, with
SCS (Russell)

HS for HCS for HB 1009-Bearden, with
SCS (Russell)

HS for HCS for HB 1010-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1011-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with
SCS, as amended (Russell)

RESOLUTIONS

To be Referred

SCR 49-Nodler

Reported from Committee

SR 1451-Yeckel

SCR 44-Yeckel

SCR 45-Dougherty

SCR 46-Gross

SCR 47-Griesheimer

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY--THURSDAY, APRIL 29, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

"Cast your burden on the Lord, and he will sustain you; he will never permit the righteous to be moved." (Psalm 55:22)

Heavenly Father, we are so mindful of the burdens we are carrying and how heavily they weigh us down at times, especially when nights become long and difficult and we seem to get so little done. So we pray that You will sustain us and permit us to continue to do what is right and best for the people of Missouri and never be moved from that. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Stoll--1

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HS** for **HCS** for **HB 1207**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 1193**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HCS** for **HB 1278**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 1209**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 1074** and **1129**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1439**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler assumed the Chair.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1617**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 1664**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 1511**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 1221** and **1305**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

David W. Ansley, as a member of the Missouri Southern State University-Joplin Board of Regents;

Also,

Leon Kreisler, as a member of the State Soil and Water Districts Commission;

Also,

Debbie K. Vandevender, as a member of the Missouri Training and Employment Council;

Also,

Stephen W. Terry, Jr., as student representative of the Northwest Missouri State University Board of Regents;

Also,

Danny D. Opie, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Marion Spence Pierson, M.D., as a member of the Missouri Health Facilities Review Committee;

Also,

Linda Sher, as a member of the Missouri State Advisory Council on Pain and Symptom Management;

Also,

Andrew J. Bettman, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Thomas J. Mangogna, as a member of the Advisory Committee on Lead Poisoning;

Also,

Jo Ann Freeman, as a member of the Board of Police Commissioners-St. Louis City;

Also,

Burton A. Boxerman, as a member of the Second State Capitol Commission;

Also,

Patricia A. Lepp, as a member of the Missouri Dental Board;

Also,

Kristin M. Perry, as a member of the Clean Water Commission of the State of Missouri;

Also,

George E. Walley, Jr., as a member of the Mississippi River Parkway Commission;

Also,

Rosalyn Schultz, Ph.D., Gilbert L. Alderson and Karen L. Berding, as members of the Child Abuse and Neglect Review Board;

Also,

Norma B. Clayton, as a member of the Linn State Technical College Board of Regents;

Also,

Tia Marie Strait, as a member of the Advisory Commission for Dental Hygienists;

Also,

Debra Foster Greene, Ph.D., as a member of the Unmarked Human Burial Consultation Committee;

Also,

Rosemary G. Hogan, as a member of the Missouri Board for Respiratory Care;

Also,

Linward Apppling, as a member of the Public Service Commission;

Also,

James Timothy Eck, as a member of the Missouri State Committee of Interpreters;

Also,

Earl Wilson, Jr., as a member of the Coordinating Board for Higher Education;

Also,

Kathy Conley Jones, as a member of the Missouri Investment Trust;

Also,

Karen C. Warren, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals;

Also,

Lois Riney, as public member of the State Board of Podiatric Medicine;

Also,

Kerri Beth M. McBee-Black, as a member of the Missouri Women's Council;

Also,

Donald Vanderfeltz, as a member of the State Board of Optometry;

Also,

Cynthia Jane Brinkley, as a member of the Harris-Stowe State College Board of Regents;

Also,

Thomas J. Pfeiffer, as a member of the Petroleum Storage Tank Insurance Fund;

Also,

James K. Reinhard, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Tjitski "Tish" Gay Tubbergen-Maglio and Darryl E. Knopf, as members of the Missouri Real Estate Appraisers Commission;

Also,

Diana G. Fendya, R.N., M.S.N., and Robert S. Arnold, as members of the Missouri Emergency Response Commission;

Also,

Kenneth E. Clark, as a member of the Missouri State Board of Accountancy;

Also,

Aaron J. Vickar, as a member of the Missouri State Employees' Voluntary Life Insurance Commission;

Also,

Elaina M. Wolzak, as a member of the Missouri State Board of Pharmacy;

Also,

Linda J. Picou, as a member of the Workers' Compensation Determination Review Board;

Also,

Vicki L. Groce, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Ronald A. Battelle, as a member of the Peace Officer Standards and Training Commission;

Also,

Anne B. Schmidt, as a member of the Missouri Housing Development Commission;

Also,

Elizabeth M. "Betty" Linke, as a member of the State Fair Commission;

Also,

Jane L. VanSant, as a member of the Missouri Acupuncturist Advisory Committee;

Also,

Karl Zobrist, as a member of the Kansas City Board of Police Commissioners;

Also,

George R. Rose, as a member of the Platte County Board of Election Commissioners;

Also,

Davis D. Minton, as a member of the Clean Water Commission;

Also,

Joseph H. Collision, as Chairman and member of the Platte County Board of Election Commissioners;

Bruce E. Davis, as a member of the State Tax Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 1453**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler assumed the Chair.

RESOLUTIONS

Senator Yeckel moved that **SR 1451** be taken up for adoption, which motion prevailed.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1451 as it appears in the Senate Journal, March 3, 2004, Page 520, Column 2, Lines 12, 15, 20 and 27, by inserting after the word "violent" the following: "**and other**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Yeckel, **SR 1451**, as amended, was adopted.

CONCURRENT RESOLUTIONS

Senator Griesheimer moved that **SCR 47** be taken up for adoption, which motion prevailed.

Senator Griesheimer offered **SS** for **SCR 47**:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 47

WHEREAS, Missouri has a long tradition of providing funding for multimodal transportation services; and

WHEREAS, multimodal transportation services are a tool for economic development, mobility and congestion relief; and

WHEREAS, Missouri citizens directly benefit from multimodal transportation services; and

WHEREAS, recent state budget woes have forced personnel cuts, the elimination of promotional funds, and the implementation of a \$5 ticket surcharge to supplement insufficient state appropriations for passenger rail services; and

WHEREAS, other multimodal transportation services, such as MetroLink and OATS, face financial shortfalls during tight budgetary times; and

WHEREAS, mass transit systems are looking into fare increases in order to balance their budgets; and

WHEREAS, total state multimodal program funding for aviation, passenger rail, waterways, and transit has decreased from approximately \$25 million in fiscal year 2000 to \$16 million in fiscal year 2004; and

WHEREAS, there is a strong desire to stabilize and improve multimodal transportation services in Missouri in order to alleviate and enhance the mobility of people, goods, and freight; and

WHEREAS, according to the U.S. Department of Transportation, a multimodal transportation approach offers the promise of:

1. Lowering overall transportation costs by allowing each mode to be used for the portion of the trip to which it is best suited;
2. Increasing economic productivity and efficiency, thereby enhancing the nation's global competitiveness;
3. Reducing congestion and the burden on overstressed infrastructure components;
4. Generating higher returns from public and private infrastructure investments;
5. Improving mobility for the elderly, disabled, isolated, and economically disadvantaged; and
6. Reducing energy consumption and contributing to improved air quality and environmental conditions.

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Multimodal Transportation Services"; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of five members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; five members of the House of Representatives, appointed by the Speaker of the House of Representatives, of which at least two shall be members of the minority party; one representative from the Missouri Division of Tourism; the Commissioner of the Missouri Office of Administration or the Commissioner's representative; a representative from the Kansas City Transportation Authority; a representative from Metro; a representative from a Missouri Port Authority; a representative from the Multimodal Operations Unit of the Missouri Department of Transportation; a representative from OATS; a representative from Amtrak; a representative from Union Pacific Railroad; and the mayor or the mayor's appointee of each community along the passenger rail route between St. Louis and Kansas City directly serviced by such passenger railroad service; and

BE IT FURTHER RESOLVED that the Committee shall make a comprehensive analysis of Missouri's multimodal transportation services and shall:

- (1) Create a long-term vision for state supported multimodal transportation services in Missouri;
- (2) Formulate multimodal transportation policies and strategies that will place Missouri in a proactive position with regard to Missouri's future transportation challenges and opportunities;

- (3) Explore how Missouri can better regulate and connect the various modes of transportation into a united system;
- (4) Provide recommendations of how to reduce dependence on state general revenue support by increasing efficiencies, exploring dedicated funding sources, and by establishing local community support requirements;
- (5) Provide recommendations of how to establish public/private partnerships with railroads to complete infrastructure improvements that will reduce track congestion and improve on-time performance of trains;
- (6) Provide recommendations of how to increase utilization of multimodal services through the stabilization of services, increased promotional efforts, and service improvements; and
- (7) Review and explore any other issues the Committee deems relevant to the issue of improving multimodal transportation services; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the appointed members of the joint interim committee be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 15, 2005, and that the authority of said Committee shall terminate on said date.

Senator Griesheimer moved that **SS** for **SCR 47** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 47, Page 2, Line 24, of said page, by inserting after "party;" the following: "and"; and further amend lines 27-28, of said page, by striking "one representative from the Missouri Division of Tourism; the Commissioner of the Missouri Office of"; and

Further amend said resolution, page 3, lines 1-10, by striking "Administration or the Commissioner's representative; a representative from the Kansas City Transportation Authority; a representative from Metro; a representative from a Missouri Port Authority; a representative from the Multimodal Operations Unit of the Missouri Department of Transportation; a representative from OATS; a representative from Amtrak; a representative from Union Pacific Railroad; and the mayor or the mayor's appointee of each community along the passenger rail route between St. Louis and Kansas City directly serviced by such passenger railroad service;"

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCR 47**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCR 47**, as amended by the Senate Substitute, was adopted by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell

Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Champion	Jacob--2		
	Absent with leave--Senators		
Bland	Stoll--2		

THIRD READING OF SENATE BILLS

SCS for **SB 1196**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1196

An Act to repeal sections 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof nine new sections relating to fireworks regulations, with penalty provisions.

Was taken up by Senator Klindt.

On motion of Senator Klindt, **SCS** for **SB 1196** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Russell--2		
	Absent with leave--Senators		
Bland	Stoll--2		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS for **SB 1096**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1096

An Act to amend chapter 700, RSMo, by adding thereto fifteen new sections relating to regulating the installation of

manufactured homes, with penalty provisions.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS** for **SB 1096** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bland	Stoll--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 1153, introduced by Senator Cauthorn, entitled:

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to hand fishing.

Was taken up.

On motion of Senator Cauthorn, **SB 1153** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Yeckel--27	
NAYS--Senators			
Bray	Dougherty	Gibbons	Goode
Wheeler--5			
Absent--Senators--None			
Absent with leave--Senators			
Bland	Stoll--2		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, entitled:

An Act to repeal sections 21.810, 32.057, 173.196, 173.796, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof fifteen new sections relating to tax credits, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, section 135.805, page 20, line 11, by inserting the following after all of said line:

"Any business existing in an enterprise zone under section 135.215 on the effective date of this section shall recertify for the abatement and exemption. Effective August 28, 2004, any abatement or exemption provided for in section 135.215 on an individual parcel of real property shall cease after a period of thirty days of business closure, work stoppage, major reduction in force, or a significant change in the type of business conducted at that location. For the purposes of this subsection, "work stoppage" shall not include strike or lockout or time necessary to retool a plant, and "major reduction in force" is defined as a seventy-five percent or greater reduction. Any owner or new owner may reapply, but cannot receive the abatement or exemption for any period of time beyond the original life of the enterprise zone."

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HCS for **HBs 795, 972, 1128** and **1161**, with **SCS**, entitled:

An Act to repeal sections 49.272, 49.650, 50.339, 50.515, 64.520, 64.805, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, and 479.020, RSMo, and to enact in lieu thereof eighteen new sections relating to county government, with penalty provisions.

Was taken up by Senator Childers.

SCS for **HCS** for **HBs 795, 972, 1128** and **1161**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 795, 972, 1128 and 1161An Act to repeal sections 49.272, 49.650, 50.339, 50.515, 50.740, 52.271, 64.520, 64.805, 67.793, 67.799, 67.1706, 67.1754, 137.720, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, and to enact in lieu thereof thirty-five new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for a certain section.

Was taken up.

Senator Childers moved that **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161** be adopted.

Senator Childers offered **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 795, 972, 1128 and 1161

An Act to repeal sections 49.272, 49.650, 50.515, 50.339, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 67.402, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1706, 67.1754, 137.100, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 221.070, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 475.275, 479.020, 493.050, and 644.032, RSMo, and to enact in lieu thereof fifty-two new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for certain sections.

Senator Childers moved that **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161** be adopted.

Senator Bartle assumed the Chair.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 115, Section 304.010, Line 21, of said page, by inserting after "speed." the following: "**The maximum speed limit set by the county commission of any county of the second, third, or fourth classification for any road under the commission's jurisdiction shall not exceed fifty-five miles per hour if such road is properly marked by signs indicating such speed limit. If the county commission does not mark the roads with signs indicating the speed limit, the speed limit shall be fifty miles per hour.**".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 25, Section 67.799, Line 16, by inserting after the following:

"67.1401. 1. Sections 67.1401 to 67.1571 shall be known and may be cited as the "Community Improvement District Act".

2. For the purposes of sections 67.1401 to 67.1571, the following words and terms mean:

(1) "Approval" or "approve", for purposes of elections pursuant to sections 67.1401 to 67.1571, a simple majority of those qualified voters voting in the election;

(2) "Assessed value", the assessed value of real property as reflected on the tax records of the county clerk of the county in which the property is located, or the collector of revenue if the property is located in a city not within a county, as of the last completed assessment;

(3) "Blighted area", an area which:

(a) By reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use; or

(b) Has been declared blighted or found to be a blighted area pursuant to Missouri law including, but not limited to, chapter 353, RSMo, sections 99.800 to 99.865, RSMo, or sections 99.300 to 99.715, RSMo;

(4) "Board", if the district is a political subdivision, the board of directors of the district, or if the district is a not-for-profit corporation, the board of directors of such corporation;

(5) "Director of revenue", the director of the department of revenue of the state of Missouri;

(6) "District", a community improvement district, established pursuant to sections 67.1401 to 67.1571;

(7) "Election authority", the election authority having jurisdiction over the area in which the boundaries of the district are located pursuant to chapter 115, RSMo;

(8) "Municipal clerk", the clerk of the municipality;

(9) "Municipality", any city located in a county of the first classification or second classification, **any unincorporated area that is located in any county with a charter form of government and with more than one million inhabitants**, any city not within a county and any county;

(10) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a district to carry out any of its powers, duties or purposes or to refund outstanding obligations;

(11) "Owner", for real property, the individual or individuals or entity or entities who own the fee of real property or their legally authorized representative; for business organizations and other entities, the owner shall be deemed to be the individual which is legally authorized to represent the entity in regard to the district;

(12) "Per capita", one head count applied to each individual, entity or group of individuals or entities having fee ownership of real property within the district whether such individual, entity or group owns one or more parcels of real property in the district as joint tenants, tenants in common, tenants by the entirety or tenants in partnership;

(13) "Petition", a petition to establish a district as it may be amended in accordance with the requirements of section 67.1421;

(14) "Qualified voters",

(a) For purposes of elections for approval of real property taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property which is to be subject to such real property taxes and is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, as of the thirtieth day prior to the date of the applicable election;

(b) For purposes of elections for approval of business license taxes or sales taxes:

a. Registered voters; or

b. If no registered voters reside in the district, the owners of one or more parcels of real property located within the district per the tax records for real property of the county clerk as of the thirtieth day before the date of the applicable election; and

(c) For purposes of the election of directors of the board, registered voters and owners of real property which is not exempt from assessment or levy of taxes by the district and which is located within the district per the tax records for real property of the county clerk, or the collector of revenue if the district is located in a city not within a county, of the thirtieth day prior to the date of the applicable election; and

(15) "Registered voters", persons who reside within the district and who are qualified and registered to vote pursuant to chapter 115, RSMo, pursuant to the records of the election authority as of the thirtieth day prior to the date of the applicable election."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 70, Section 67.2535, Line 16, of said page, by inserting after all of said line the following:

"70.225. 1. Notwithstanding the provisions of section 70.600, to the contrary, a centralized emergency dispatching system created by a joint municipal agreement pursuant to section 70.220, existing within a county of a the first classification with a charter form of government with more than one million inhabitants, may be considered a political subdivision for the purposes of sections 70.600 to 70.755, and employees of the centralized emergency dispatching system shall be eligible for membership in the Missouri local government employees' retirement system upon the centralized emergency dispatching system becoming an employer as defined in subdivision (11) of section 70.600.

2. Any political subdivision participating in a centralized emergency dispatching system granted membership pursuant to subsection 1 of this section, shall be subject to the delinquent recovery procedures pursuant to section 70.735, for any contribution payments due the system. Any political subdivision withdrawing from membership shall be subject to payments for any unfunded liabilities existing for its past and current employees. Any political subdivision becoming a new member shall be subject to the same terms and conditions then existing including liabilities in proportion to all participating political subdivisions."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 25, Section 67.799, Line 16, of said page, by inserting immediately after said line the following:

"67.1360. The governing body of:

- (1) A city with a population of more than seven thousand and less than seven thousand five hundred;
- (2) A county with a population of over nine thousand six hundred and less than twelve thousand which has a total assessed valuation of at least sixty-three million dollars, if the county submits the issue to the voters of such county prior to January 1, 2003;
- (3) A third class city which is the county seat of a county of the third classification without a township form of government with a population of at least twenty-five thousand but not more than thirty thousand inhabitants;
- (4) Any fourth class city having, according to the last federal decennial census, a population of more than one thousand eight hundred fifty inhabitants but less than one thousand nine hundred fifty inhabitants in a county of the first classification with a charter form of government and having a population of greater than six hundred thousand but less than nine hundred thousand inhabitants;
- (5) Any city having a population of more than three thousand but less than eight thousand inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (6) Any city having a population of less than two hundred fifty inhabitants in a county of the fourth classification having a population of greater than forty-eight thousand inhabitants;
- (7) Any fourth class city having a population of more than two thousand five hundred but less than three thousand inhabitants in a county of the third classification having a population of more than twenty-five thousand but less than twenty-seven thousand inhabitants;
- (8) Any third class city with a population of more than three thousand two hundred but less than three thousand three hundred located in a county of the third classification having a population of more than thirty-five thousand but less than thirty-six thousand;
- (9) Any county of the second classification without a township form of government and a population of less than thirty thousand;
- (10) Any city of the fourth class in a county of the second classification without a township form of government and a population of less than thirty thousand;
- (11) Any county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (12) Any city of the fourth class with a population of more than one thousand eight hundred but less than two thousand in a county of the third classification with a township form of government and a population of at least twenty-eight thousand but not more than thirty thousand;
- (13) Any city of the third class with a population of more than seven thousand two hundred but less than seven thousand five hundred within a county of the third classification with a population of more than twenty-one thousand but less than twenty-three thousand;
- (14) Any fourth class city having a population of more than two thousand eight hundred but less than three thousand one hundred inhabitants in a county of the third classification with a township form of government having a population of more than eight thousand four hundred but less than nine thousand inhabitants;
- (15) Any fourth class city with a population of more than four hundred seventy but less than five hundred twenty inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred but less than sixteen thousand inhabitants;
- (16) Any third class city with a population of more than three thousand eight hundred but less than four thousand inhabitants located in a county of the third classification with a population of more than fifteen thousand nine hundred

but less than sixteen thousand inhabitants;

(17) Any fourth class city with a population of more than four thousand three hundred but less than four thousand five hundred inhabitants located in a county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(18) Any fourth class city with a population of more than two thousand four hundred but less than two thousand six hundred inhabitants located in a county of the first classification without a charter form of government with a population of more than fifty-five thousand but less than sixty thousand inhabitants;

(19) Any fourth class city with a population of more than two thousand five hundred but less than two thousand six hundred inhabitants located in a county of the third classification with a population of more than nineteen thousand one hundred but less than nineteen thousand two hundred inhabitants;

(20) Any county of the third classification without a township form of government with a population greater than sixteen thousand but less than sixteen thousand two hundred inhabitants;

(21) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;

(22) Any third class city with a population of more than nine thousand five hundred but less than nine thousand seven hundred inhabitants located in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(23) Any city of the fourth classification with more than five thousand two hundred but less than five thousand three hundred inhabitants located in a county of the third classification without a township form of government and with more than twenty-four thousand five hundred but less than twenty-four thousand six hundred inhabitants; [or]

(24) Any third class city with a population of more than nineteen thousand nine hundred but less than twenty thousand in a county of the first classification without a charter form of government and with a population of more than one hundred ninety-eight thousand but less than one hundred ninety-eight thousand two hundred inhabitants;

(25) Any city of the fourth classification with more than two thousand six hundred but less than two thousand seven hundred inhabitants located in any county of the third classification without a township form of government and with more than fifteen thousand three hundred but less than fifteen thousand four hundred inhabitants; or

(26) Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants;

may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 70, Section 67.2535, Line 16, by inserting after all of said line the following:

"82.291. 1. For purposes of this section, "derelict vehicle" means any motor vehicle or trailer that was originally designed or manufactured to transport persons or property on a public highway, road, or street and that is junked, scrapped, dismantled, disassembled, or in a condition otherwise harmful to the public health, welfare, peace, and safety.

2. The owner of any property located in any home rule city with more than twenty-six thousand two hundred but less than twenty-six thousand three hundred inhabitants, except any property subclassed as agricultural and horticultural property pursuant to section 4(b), article X, of the Constitution of Missouri or any property containing any licensed vehicle service or repair facility, who permits derelict vehicles or substantial parts of derelict vehicles to remain on the property other than inside a fully enclosed permanent structure designed and constructed for vehicle storage shall be liable for the removal of the vehicles or the parts if they are declared to be a public nuisance.

3. To declare derelict vehicles or parts of derelict vehicles to be a public nuisance, the governing body of the city shall give a hearing upon ten days' notice, either personally or by United States mail to the owner or agent, or by posting a notice of the hearing on the property. At the hearing, the governing body may declare the vehicles or the parts to be public nuisances, and may order the nuisance to be removed within five business days. If the nuisance is not removed

within the five days, the governing body or the designated city official shall have the nuisance removed and shall certify the costs of the removal to the city clerk or the equivalent official, who shall cause a special tax bill for the removal to be prepared against the property and collected by the collector with other taxes assessed on the property, and to be assessed any interest and penalties for delinquency as other delinquent tax bills are assessed as permitted by law.

4. The provisions of this section shall terminate on August 28, [2004] **2008**."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 101, Section 144.759, Line 9, of said page, by inserting after all of said line the following:

"190.300. As used in sections 190.300 to 190.320, the following terms and phrases mean:

- (1) "Emergency telephone service", a telephone system utilizing a single three digit number "911" for reporting police, fire, medical or other emergency situations;
- (2) "Emergency telephone tax", a tax to finance the operation of emergency telephone service;
- (3) "Exchange access facilities", all facilities provided by the service supplier for local telephone exchange access to a service user;

- (4) "Governing body", the legislative body for a city, county or city not within a county;
- (5) "Person", any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user;
- (6) "Public agency", any city, county, city not within a county, municipal corporation, public district or public authority located in whole or in part within this state which provides or has authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services;
- (7) "Service supplier", any person providing exchange telephone services to any service user in this state;
- (8) "Service user", any person, other than a person providing pay telephone service pursuant to the provisions of section 392.520, RSMo, not otherwise exempt from taxation, who is provided exchange telephone service in this state;
- (9) "Tariff rate", the rate or rates billed by a service supplier to a service user as stated in the service supplier's tariffs, approved by the Missouri public service commission which represent the service supplier's recurring charges for exchange access facilities or their equivalent, exclusive of all taxes, fees, licenses or similar charges whatsoever;
- (10) "Wireless service supplier", any person providing wireless telephone services to any wireless service user in this state;**
- (11) "Wireless service user", any person who uses a wireless telephone service in this state. For the purposes of sections 190.300 to 190.320, any imposition of a tax shall be in accordance with the Federal Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.**

190.304. 1. In addition to its other powers for the protection of the public health, a governing body of a county or a city not within a county may, by a majority vote of its members, choose to submit to a vote of the qualified voters of the county or a city not

within a county a ballot containing either of the three proposals pursuant to subdivisions (1), (2), or (3) of this subsection to provide for the operation of an emergency telephone service. In no case shall a governing body be permitted to enact more than one provision of subdivisions (1), (2), or (3) of this subsection, whether in simultaneous elections or by separate elections. The taxes authorized pursuant to this subsection shall be in lieu of any tax authorized and adopted pursuant to sections 190.325 to 190.329; any tax adopted pursuant to sections 190.325 to 190.329 shall be repealed if any tax authorized pursuant to this subsection is adopted. If the governing body so chooses, by a majority vote of its members, it may submit:

(1) A proposition to the qualified voters of the county or a city not within a county to levy a tax for each access line or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county. The tax rate in the proposition to the voters per device which has an assigned mobile identification number containing an area code assigned to Missouri shall be as follows: If the average wired rate is greater than eighty cents, one dollar; if the average wired rate is greater than twenty cents but less than eighty-one cents, twenty-five cents; if the average wired rate is less than twenty-one cents, twelve cents. For the purpose of this subdivision, the term "wired rate" means the average levied tax per line for wire lines in such county or such city not within a county in the current year based on the tax on the tariff rate authorized in section 190.305. If a majority of the qualified voters of the county or a city not within a county adopt the provision in this subdivision, such tax shall be in addition to the tax authorized pursuant to section 190.305;

(2) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county, plus a tax of up to sixty cents per access line per month for wired telephone

services in such county or a city not within a county. The taxes authorized pursuant to this subdivision shall not exceed sixty cents and shall be equal to one another; or

(3) A proposition to the qualified voters of the county or a city not within a county to levy a tax in an amount up to sixty cents per month on each access line user or device which has an assigned mobile identification number containing an area code assigned to Missouri by the North American Numbering Plan Administrator in such county or a city not within a county.

2. The taxes collected pursuant to this section shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body and shall include for reimbursement of the actual cost of providing wireless enhanced 911 services by the wireless service provider, but shall not exceed an amount equal to a maximum rate of twenty-five percent of the total tax collected from the wireless subscriber. Reimbursement to the wireless service provider for the actual cost includes services as defined by the Federal Communications Commission orders and 47 CFR 20.18(d). Those services shall include hardware and software components and functionalities that precede the 911 selective router, including trunks from the wireless service provider's mobile switching center to the 911 selective router, and the particular database, interface devices, and trunks needed to deliver data to the public safety answering point. Collection of such taxes shall not begin prior to twelve months before the operation upgraded to facilities which implement phase I enhanced 911 services as described in Federal Communications Docket 94-102, or in counties which do not have a functioning emergency telephone service and dispatch center the collection of such taxes shall not begin prior to twenty-seven months before operation of such emergency telephone service and dispatch center.

3. Any county or city not within a county which has not implemented service pursuant to the requirements of subsection 2 of this section shall immediately cease collection of such tax, and if the county or city not within a county fails to implement such service within twelve months thereafter, the governing body of such county or city not within a county shall remit all taxes collected pursuant to this section to the state treasurer to be deposited in the 911 emergency services fund created pursuant to section 190.312.

4. Every billed service user or wireless service user is liable for the taxes until it has been paid to the service supplier.

5. The duty to collect the tax from a service user or wireless service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier or wireless service supplier shall be added to and shall be stated separately in the billings to the service user or wireless service user.

6. Nothing in this section imposes any obligation upon a service supplier or wireless service supplier to take any legal action to enforce the collection of the tax imposed by this section unless the charges for wireless service are unpaid. The service supplier or wireless service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users or wireless service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the wire line or wireless service in accordance with the regular billing practice of the service supplier.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services.

9. Beginning three years after the enactment of this section, and biennially thereafter, the office of administration, division of information services, shall review, over a period of three months, the adequacy of, inadequacy of, or surplus produced by revenue generated from the levy intended to meet the actual costs to the county and the wireless service provider for 911 services as established in sections 190.300 to 190.312, 190.335

and 190.430, and sections 650.320 and 650.330, RSMo. The review shall result in a report to the governor, general assembly, and the local governing authority. The report shall include, but not be limited to: an analysis of the total revenue; the revenue apportioned to the county and to the carrier for providing services; the costs to the county for providing services; a review of the carrier's billings and compliance with areas of reimbursement recovery as it is defined in subsection 2 of this section; and make recommendations, including but not limited to, increasing or decreasing the levy to reflect costs.

190.305. 1. In addition to its other powers for the protection of the public health, a governing body may provide for the operation of an emergency telephone service and may pay for it by levying an emergency telephone tax for such service in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. The governing body may do such other acts as are expedient for the protection and preservation of the public health and are necessary for the operation of the emergency telephone system. The governing body is hereby authorized to levy the tax in an amount not to exceed fifteen percent of the tariff local service rate, as defined in section 190.300, or seventy-five cents per access line per month, whichever is greater, except as provided in sections 190.325 to 190.329, in those portions of the governing body's jurisdiction for which emergency telephone service has been contracted. In any county of the third classification with a population of at least thirty-two thousand but not greater than forty thousand that borders a county of the first classification, a governing body of a third or fourth class city may, with the consent of the county commission, contract for service with a public agency to provide services within the public agency's jurisdiction when such city is located wholly within the jurisdiction of the public agency. Consent shall be demonstrated by the county commission authorizing an election within the public agency's jurisdiction pursuant to section 190.320. Any contract between governing bodies and public agencies in existence on August 28, 1996, that meets such criteria prior to August 28, 1996, shall be recognized if the county commission authorized the election for emergency telephone service and a vote was held as provided in section 190.320. The governing body shall provide for a board pursuant to sections 190.327 and 190.328.

2. The tax shall be utilized to pay for the operation of emergency telephone service and the operational costs associated with the answering and dispatching of emergency calls as deemed appropriate by the governing body **and for no other purpose**, and may be levied at any time subsequent to execution of a contract with the provider of such service at the discretion of the governing body, but collection of such tax shall not begin prior to twenty-seven months before operation of the emergency telephone service and dispatch center.

3. Such tax shall be levied only upon the tariff rate. No tax shall be imposed upon more than one hundred exchange access facilities or their equivalent per person per location.

4. Every billed service user is liable for the tax until it has been paid to the service supplier.

5. The duty to collect the tax from a service user shall commence at such time as specified by the governing body in accordance with the provisions of sections 190.300 to 190.320. The tax required to be collected by the service supplier shall be added to and may be stated separately in the billings to the service user.

6. Nothing in this section imposes any obligation upon a service supplier to take any legal action to enforce the collection of the tax imposed by this section. The service supplier shall provide the governing body with a list of amounts uncollected along with the names and addresses of the service users refusing to pay the tax imposed by this section, if any.

7. The tax imposed by this section shall be collected insofar as practicable at the same time as, and along with, the charges for the tariff rate in accordance with the regular billing practice of the service supplier. The tariff rates determined by or stated on the billing of the service supplier are presumed to be correct if such charges were made in accordance with the service supplier's business practices. The presumption may be rebutted by evidence which establishes that an incorrect tariff rate was charged.

8. The state auditor shall have the authority to perform audits of receipts and expenditures of taxes collected pursuant to this section to determine whether such taxes are being properly administered for the operational costs of administering emergency telephone services."; and

Further amend said bill, Section 190.306, Page 101, Line 18 of said page, by inserting after all of said line the following:

"190.310. 1. The [tax] **taxes** imposed by sections 190.300 to 190.320 and the amounts required to be collected are due [quarterly] **monthly**. The amount of [tax] **taxes** collected in one [calendar quarter] **month** by the service supplier **or wireless service supplier** shall be remitted to the governing body no later than [sixty] **thirty** days after the close of a [calendar quarter] **month**. On or before the [sixtieth] **thirtieth** day of each [calendar quarter] **month** following, a return for the preceding [quarter] **month** shall be filed with the governing body in such form as the governing body and service supplier **or wireless service supplier** shall agree. The service supplier **or wireless service supplier** will include the list of any service user **or wireless service user** refusing to pay the [tax] **taxes** imposed by sections 190.300 to 190.320 with each return filing. The service supplier **or wireless service supplier** required to file the return shall deliver the return, together with a remittance of the amount of the [tax] **taxes** collected under the provisions of sections 190.300 to 190.320. The records shall be maintained for a period of one year from the time the [tax] **taxes** is collected.

2. From every remittance to the governing body made on or before the date when the same becomes due, the service supplier **or wireless service supplier** required to remit the same shall be entitled to deduct and retain, as a collection fee, an amount equal to two percent thereof.

3. Every remittance to the governing body which is not paid within thirty days of the due date thereof by the service supplier or wireless service provider shall accrue interest at the rate of one percent per month for which such payment is overdue.

4. Nothing in this section shall prevent the governing body and the service supplier or wireless service supplier from entering into an agreement for an alternate remittance schedule which in no event shall require payments less frequently than quarterly.

5. For any county collecting the tax authorized pursuant to section 190.305, at least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by sections 190.300 to 190.320. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in sections 190.300 to 190.320. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify by mail every service supplier registered with it of the new rate. The governing body may require an audit of the service supplier's books and records concerning the collection and remittance of the tax authorized by sections 190.300 to 190.320.

6. Twenty percent of the taxes collected pursuant to any tax levied for wireless services pursuant to section 190.304, subject to the provisions of subsection 7 of this section, shall be collected by the governing body of the county or city not within a county levying the tax and forwarded each quarter to the department of revenue to be deposited in the 911 emergency services fund, which is created pursuant to section 190.312.

7. When at least sixty percent of the counties comprising at least seventy-five percent of the population in this state have enacted a tax pursuant to this section, the percentage of such taxes being deposited in the 911 emergency services fund shall be reduced from twenty percent to ten percent, and two calendar years after the office of administration verifies passage of the tax authorized pursuant to section 190.304 in ninety percent of the counties in the state, the percentage deposited in the 911 emergency services fund shall be eliminated.

190.312. 1. There is hereby created in the state treasury the "911 Emergency Services Fund", which shall consist of moneys collected pursuant to subsection 6 of section 190.310. The fund shall be administered by the office of administration in consultation with the department of public safety.

2. Cost for administering such programs created pursuant to this section shall be paid from the 911 emergency services fund.

- 3. Other than costs for administration, moneys in the fund shall be used solely for matching grants to counties or a city not within a county for the purpose of implementation of a comprehensive statewide 911 system.**
- 4. Only counties or a city not within a county which have authorized a tax pursuant to section 190.304 shall be eligible to receive grants from the 911 emergency services fund.**
- 5. Any county or city not within a county receiving a grant pursuant to this section shall be required to match at least twenty-five percent of such grant with local funds.**
- 6. No county or city not within a county shall receive grants in excess of five percent of the total funds available in any fiscal year or receive grants for longer than three consecutive years.**
- 7. Grants may be made on a collective basis to counties which enter into an inter-county agreement to provide services.**
- 8. The office of administration shall promulgate rules for the implementation and administration of grants from the 911 emergency services fund.**
- 9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.**
- 10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**
- 11. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.**

190.335. 1. In lieu of the tax levy authorized under section **190.304** or 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county commission to impose a tax under the provisions of this section. If the residents of the county present a petition signed by a number of residents equal to ten percent of those in the county who voted in the most recent gubernatorial election, then the commission shall submit such a proposal to the voters of the county.

3. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a county sales tax of (insert rate of percent) percent for the purpose of providing central dispatching of fire protection, emergency ambulance service, including emergency telephone services, and other emergency services?

☐ YES ☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then

the ordinance shall be in effect as provided herein. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the county commission shall have no power to impose the tax authorized by this section unless and until the county commission shall again have submitted another proposal to authorize the county commission to impose the tax under the provisions of this section, and such proposal is approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any county adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo. The sales tax shall not be collected prior to thirty-six months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year in which the tax imposed pursuant to this section for emergency services is certified by the board to be fully operational. Any revenues collected from the tax authorized under section 190.305 shall be credited for the purposes for which they were intended.

7. At least once each calendar year, the governing body shall establish a tax rate, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess of that necessary within a given year shall be carried forward to subsequent years. The governing body shall make its determination of such tax rate each year no later than September first and shall fix the new rate which shall be collected as provided in this act. Immediately upon making its determination and fixing the rate, the governing body shall publish in its minutes the new rate, and it shall notify every retailer by mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the ballot proposal to establish a county sales tax pursuant to the provisions of this section, the county commission

shall appoint the initial members of a board to administer the funds and oversee the provision of emergency services in the county. Beginning with the general election in 1994, all board members shall be elected according to this section and other applicable laws of this state. At the time of the appointment of the initial members of the board, the commission shall relinquish and no longer exercise the duties prescribed in this chapter with regard to the provision of emergency services and such duties shall be exercised by the board.

9. The initial board shall consist of seven members appointed without regard to political affiliation, who shall be selected from, and who shall represent, the fire protection districts, ambulance districts, sheriff's department, municipalities, any other emergency services and the general public. This initial board shall serve until its successor board is duly elected and installed in office. The commission shall ensure geographic representation of the county by appointing no more than four members from each district of the county commission.

10. Beginning in 1994, three members shall be elected from each district of the county commission and one member shall be elected at large, such member to be the chairman of the board. Of those first elected, four members from districts of the county commission shall be elected for terms of two years and two members from districts of the county commission and the member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of office shall be four years.

190.430. [1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to July 2,

1998, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to July 2, 1998, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after July 2, 1998, shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8.] Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless

service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct."; and

Further amend said bill, Page 126, Section 644.032, Line 18 of said page, by inserting after all of said line the following:

"650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "911", the primary emergency telephone number within the wired and wireless telephone system;

[(1)] **(2) "Committee", the advisory committee for 911 service oversight established in section 650.325;**

[(2)] **(3) "Public safety answering point", the location at which 911 calls are initially answered;**

[(3)] **(4) "Telecommunicator", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.**

650.330. 1. The committee for 911 service oversight shall consist of sixteen members, one of which shall be chosen from the department of public safety who shall serve as chair of the committee and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

(1) One member chosen to represent an association domiciled in this state whose primary interest relates to counties;

(2) One member chosen to represent the Missouri public service commission;

(3) One member chosen to represent emergency medical services;

(4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

(5) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

(6) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

(7) One member chosen to represent an association whose primary interest relates to issues pertaining to police chiefs;

(8) One member chosen to represent a league or association domiciled in this state whose primary interest relates to issues pertaining to municipalities;

(9) One member chosen to represent an association domiciled in this state whose primary interest relates to issues pertaining to sheriffs;

(10) One member chosen to represent 911 service providers in counties of the second, third and fourth classification;

(11) One member chosen to represent 911 service providers in counties of the first classification, with and without charter forms of government, and cities not within a county;

(12) One member chosen to represent telecommunications service providers with at least one hundred thousand access lines located within Missouri;

(13) One member chosen to represent telecommunications service providers with less than one hundred thousand access lines located within Missouri;

(14) One member chosen to represent a professional association of physicians who conduct with emergency care; and

(15) One member chosen to represent the general public of Missouri who represents an association whose primary interest relates to education and training, including that of 911, police and fire dispatchers.

2. Each of the members of the committee for 911 service oversight shall be appointed by the governor with the advice and consent of the senate for a term of four years; except that, of those members first appointed, four members shall be appointed to serve for one year, four members shall be appointed to serve for two years, four members shall be appointed to serve for three years and four members shall be appointed to serve for four years. Members of the committee may serve multiple terms.

3. The committee for 911 service oversight shall meet at least quarterly at a place and time specified by the chairperson of the committee and it shall keep and maintain records of such meetings, as well as the other activities of the committee. Members shall not be compensated but shall receive actual and necessary expenses for attending meetings of the committee.

4. The committee for 911 service oversight shall:

(1) Organize and adopt standards governing the committee's formal and informal procedures;

(2) Provide recommendations for primary answering points and secondary answering points on statewide technical and operational standards for 911 services;

(3) Provide recommendations to public agencies concerning model systems to be considered in preparing a 911 service plan;

(4) Provide requested mediation services to political subdivisions involved in jurisdictional disputes regarding the provision of 911 services, except that such committee shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; [and]

(9) Advise the department of public safety and the office of administration regarding the implementation of Federal Communications Docket 94-102 or any subsequent orders on the same or similar subjects;

(10) Advise the department of public safety and the office of administration on the administration of grants from the 911 emergency services fund created pursuant to section 190.312, RSMo, for the purpose of implementing comprehensive statewide 911 services; and

[(9)] (11) Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections 650.320 to 650.340.

5. The department of public safety shall provide staff assistance to the committee for 911 service oversight as necessary in order for the committee to perform its duties pursuant to sections 650.320 to 650.340.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish

the limited duties specifically delegated within section 650.340. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, Page 140, Section 67.493, Line 51 of said page, by inserting after all of said line the following:

"[190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

- (1) "911", the primary emergency telephone number within the wireless system;
- (2) "Board", the wireless service provider enhanced 911 advisory board;
- (3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;
- (4) "Public safety answering point", the location at which 911 calls are initially answered;
- (5) "Wireless service provider", a provider of commercial mobile service pursuant to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).]

[190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

- (1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;
- (2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;
- (3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and
- (4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

- (1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri Office of Administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.]; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Scott offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 3, Section 49.650, Lines 15-16 of said page, by striking the following: "and the health of the general public".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 4, Section 49.650, Line 22, by inserting immediately after all of said line the following:

"5. No county commission may enact an ordinance with regard to agriculture without a vote of the people of such county authorizing the county commission to do so."

Senator Scott moved that the above amendment be adopted.

Senator Russell requested unanimous consent of the Senate for the Senate conferees on **SCS** for **HS** for **HCS** for **HBs 1002** through **1012** to be allowed to meet while the Senate is in session, which request was granted.

Senator Klindt offered **SSA 1** for **SA 8**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 4, Section 49.650, Line 22, by inserting immediately after all of said line the following:

"5. No county commission may enact an or-dinance with regard to agriculture operations."

Senator Klindt moved that the above substitute amendment be adopted.

At the request of Senator Klindt, **SSA 1** for **SA 8** was withdrawn.

Senator Klindt offered **SSA 2** for **SA 8**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 4, Section 49.650, Line 22, by inserting immediately after all of said line the following:

"5. No county commission may enact an ordinance with regard to agriculture operations. Any zoning adopted by any county prior to the August 28, 2004 shall be exempt from the provisions of this subsection."

Senator Klindt moved that the above substitute amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 126, Section 1, Line 23, by inserting after all of said line the following:

"Section 2. The Board of Fund Commissioners shall determine whether any governmental entity has sufficient fund balances to redeem leasehold revenue bonds obligated pursuant to a federal court desegregation action. If the board of fund commissioners determines that any governmental entity has sufficient fund balances to redeem or otherwise pay off such leasehold revenue bonds, the state board of education shall certify, pursuant to 160.415.2(5) that no amount is needed by such governmental entity to repay such bonds."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 117, Section 304.010, Line 21, of said page, by inserting immediately after said line the following:

"393.760. 1. The commission shall, in accordance with the provisions of chapter 115, RSMo, order an election to be held whereby the qualified electors in each contracting municipality participating in the project shall approve or disapprove the issuance of the bonds as provided for in the resolution of the commission. The commission may not order such an election until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings.

2. The commission shall notify the election authority or authorities responsible for conducting elections within each contracting municipality participating in the project in accordance with chapter 115, RSMo.

3. The question shall be submitted in substantially the following form:

OFFICIAL BALLOT

Should a resolution to approve the issuance of revenue bonds by the joint municipal (water) (sewer) (power) (gas) commission in an amount not to exceed \$..... for the purpose of be approved?

☐ Yes ☐ No

If you are in favor of the resolution, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

4. If the resolution to issue the bonds is approved by at least a majority of the qualified electors voting thereon in each of the contracting municipalities participating in the project, the commission shall declare the result of the election and cause the bonds to be issued.

5. The municipalities participating in the project shall bear all expenses associated with the elections in such

contracting municipalities.

6. In lieu of the public voting procedure set forth in subsections 1 to 5 of this section, in the case of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission may not order such a vote until it has engaged and received a report from an independent consulting engineer as defined in section 327.181, RSMo, for the purpose of determining the economic and engineering feasibility of any proposed project the costs of which are to be financed through the issuance of bonds. The report of the consulting engineer shall be provided to and approved by the legislative body and executive of each contracting municipality participating in the project and such report shall be open to public inspection and shall be the subject of a public hearing in each municipality participating in the project. Notice of the time and place of each such hearing shall be published in a daily newspaper of general circulation within each municipality. Interested parties may appear and fully participate in such hearings. Each contracting municipality shall vote by ordinance or resolution and such ordinance or resolution shall approve the issuance of revenue bonds by the joint municipal water commission in an amount not to exceed a specified amount."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 105, Section 221.070, Line 9, of said page, by inserting immediately after said line the following:

"229.340. **1.** Each applicant for a permit under the provisions of sections 229.300 to 229.370 may be required by the county highway engineer to pay a fee in an amount determined by the county commission by order of record, [not to exceed the sum of three dollars for each such application,] which fee is to be paid into a special fund in the county treasury and to be used for the purpose of paying the expenses incident to the provisions of sections 229.300 to 229.370. Any balance on hand in such fund at the end of the fiscal year of such county shall be paid into the special county road and bridge fund of such county.

2. The special use permit fees imposed by the county shall be calculated and administered using the criteria outlined in sections 67.1840 and 67.1842, RSMo, for the imposition of right-of-way permit fees. The special use permit fee shall not be imposed on a public utility right-of-way user for uses governed by the provisions of sections 67.1830 to 67.1846, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 105, Section 245.015, Line 10, by inserting after "245.015." the following: **"1.";** and

Further amend page 107, said section, line 2, by inserting after all of said line, the following:

"2. The modifications to this section, as enacted by the ninety-second general assembly, second regular session, shall not be construed to enhance or limit the current law, and any interpretation thereof, with regard to where a levee district may or may not be formed within any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants nor any city, town, village or other political subdivision contained therein."

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered SA 13:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 117, Section 304.010, Line 21, of said page, by inserting immediately after said line the following:

"393.015. 1. Notwithstanding any other provision of law to the contrary, any [sewer] ~~water~~ corporation, municipality providing water, or [sewer] ~~any water~~ district established under the provisions of chapter [249 or 250] ~~247~~, RSMo, [or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, municipality, or public water supply district established under chapter 247, RSMo, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation, municipality or public water supply district is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation, municipality or public water supply district shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer] shall, upon request of any municipality providing sewer service or public sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider.

2. [A water corporation, municipality, or public water supply district acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.] Any water provider, or independent contractor acting for such water provider, disconnecting water service to collect a delinquent sewer charge at the request of a sewer provider pursuant to a water termination agreement made pursuant to this section shall be immune from civil liability for damages or costs resulting from disconnection.

3. In the event that any water provider and any sewer provider are unable to reach an agreement as provided in this section within six months of the receipt of such request by the water provider, then the sewer provider making the written request may file with the circuit court in which such water provider was incorporated, or if such water provider was not incorporated by a circuit court, then with a circuit court having jurisdiction of the water provider, a petition requesting that three commissioners be selected to draft such an agreement.

4. Any agreement drafted by such commissioners or entered into under the provisions established in this section shall contain the following provisions:

(1) The rules and regulations or ordinances of the sewer provider shall provide the number of delinquent days required before water service may be discontinued for failure to pay incurred sewer charges. Such period of time shall be equal to the number of delinquent days required before water service is discontinued for failure to pay incurred water charges as set by the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the incurred charges or rental due unless the sewer provider shall first provide written notice to the water provider requesting discontinuation of service. The notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of the delinquent amount is received by the water provider, water service shall be restored to the user;

(3) All reasonable expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider;

(4) The sewer provider shall hold the water provider, or any independent contractor who performs or carries out such agreement under contract with the water provider, harmless as a result of the agreement between the sewer provider and water provider or as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor arising in any way from such agreement;

(5) The expense and cost of the water provider shall be recalculated annually, providing for annual increases or decreases in the National Consumers Price Index for All Urban Consumers (CPI-U), unadjusted for seasonal variation, as published by the United States Department of Labor. The amount due the water provider during the subsequent year shall be increased or decreased according to any change occurring in such costs and expenses;

(6) When a water provider is collecting delinquent amounts for both water and sewer service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider shall be divided equally between the water provider and the sewer provider.

5. Upon the filing of such petition, the sewer provider shall appoint one commissioner. The water provider shall appoint a commissioner within thirty days of the service of the petition upon it. If the water provider fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the water provider within forty-five days of service of the petition on the water provider. Such two named commissioners shall agree to appoint a third commissioner within thirty days after the appointment of the second commissioner, but in the event that they fail to do so, the court shall appoint a third commissioner within sixty days after the appointment of the second commissioner.

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing may be continued from time to time by the commissioners. The commissioners shall consider all such evidence and information submitted to them and prepare such agreement as provided herein. Said agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as herein provided.

7. If the court finds that such agreement meets the requirements of this section, then the court shall enter its judgment approving such agreement and order it to become effective sixty days after the date of such judgment. If such agreement does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the

parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

8. The judgment and order of the court shall be subject to appeal as provided by law. All costs, including commissioners' compensation, shall be taxed to and paid by the sewer provider requesting an agreement. The court shall also order payment of a reasonable attorney fee and fees of expert witnesses of the water provider by the sewer provider to the water provider.

393.016. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 3, Section 49.650, Line 17, of said page, by inserting after at the end of said line the following: **"Nothing in this paragraph shall be construed to allow a noncharter county to adopt an ordinance or resolution regulating the sale or display at any retail outlet of any drug having an active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers."**

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 15:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 15, Section 64.805, by striking all of said section and by inserting in lieu thereof the following:

"64.825. The county planning commission may also prepare, with the approval of the county commission, as parts of the official master plan or otherwise, sets of regulations governing subdivisions of land in unincorporated areas, and amend or change same from time to time as herein provided, which regulations may provide for the proper location and width of streets, building lines, open spaces, safety, recreation, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may also include the extent to which and the manner in which streets shall be graded and improved, and the extent to which water, sewer and other utility services shall be provided, to protect public health and general welfare. Such regulations may provide that in lieu of the immediate completion or installation of the work, the county planning commission may accept bond for the county commission in the amount and with surety **or other form of security** and conditions satisfactory to the county commission, providing for and securing to the county commission the actual construction of the improvements and utilities within a period specified by the county planning commission, and the county commission shall have power to enforce the bond **or other form of security** by all proper remedies. The subdivision regulations shall be adopted, changed or amended, certified and filed as provided in section 64.815. The subdivision regulations shall be adopted, changed or amended only after a public hearing has been held thereon, public notice of which shall be given in the manner as provided for the hearing in section 64.815."; and

Further amend said bill, Page 70, Section 67.2535, Line 16, by inserting after all of said line the following:

"89.410. 1. The planning commission shall recommend and the council may by ordinance adopt regulations governing the subdivision of land within its jurisdiction. The regulations, in addition to the requirements provided by law for the approval of plats, may provide requirements for the coordinated development of the city, town or village; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the city plan or official map of the city, town or village; for adequate open spaces for traffic, recreation, light and air; and for a distribution of population and traffic; provided that, the city, town or village may only impose requirements [and] **for** the posting of bonds [regarding], **letters of credit or** escrows for subdivision-related [regulations] **improvements** as provided for in subsections 2 to [4] **5** of this section.

2. The regulation may include requirements as to the extent and the manner in which the streets of the subdivision or any designated portions thereto shall be graded and improved as well as including requirements as to the extent and manner of the installation of all utility facilities. Compliance with all of these requirements is a condition precedent to the approval of the plat. The regulations or practice of the council may provide for the tentative approval of the plat previous to the improvements and utility installations; but any tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of the work and installations previous to the final approval of a plat, the council [may] **shall** accept [a], **at the option of the developer, an escrow secured with cash or an irrevocable letter of credit deposited with the city, town, or village. The city, town, or village may accept a surety bond [or escrow], and such bond shall be** in an amount and with surety and other reasonable conditions, providing for and securing the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond[; provided that,]. The release of **any** such escrow, **letter of credit, or bond** by the city, town or village shall be as specified in this section. The council may enforce the **escrow or** bond by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of the work and installations previous to the final approval of a plat, for an assessment or other method whereby the council is put in an assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. The regulations may provide for the dedication, reservation or acquisition of lands and open spaces necessary for public uses indicated on the city plan and for appropriate means of providing for the compensation, including reasonable charges against the subdivision, if any, and over a period of time and in a manner as is in the public interest.

3. **The regulations shall provide that in the event a developer who has posted an escrow, or letter of credit, or bond with a city, town, or village in accordance with subsection 2 of this section transfers title of the subdivision property prior to full release of the escrow, letter of credit, or bond, the municipality shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in subsection 2 of this section and in the amount of the escrow or letter of credit held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the city, town, or village shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with**

respect to the subdivision improvements if the successor developer assumes all of the outstanding obligations of the previous developer. The city, town, or village may accept a surety bond from the successor developer in the form allowed in subsection 2 of this section and in the amount of the bond held by the city, town, or village at the time of the property transfer, and upon receipt of the replacement bond, the city, town, or village shall release the original bond in full, and release the prior developer from all further obligations with respect to the subdivision improvements.

4. The regulations shall provide that any escrow **or bond** amount held by the city, town or village to secure actual construction and installation on each component of the improvements or utilities shall be released within thirty days of completion of each category of improvement or utility work to be installed, minus a maximum retention of five percent which shall be released upon completion of all improvements and utility work. **The city, town, or village shall inspect each category of improvement or utility work within twenty business days after a request for such inspection.** Any such category of improvement or utility work shall be deemed to be completed upon certification by the city, town or village that the project is complete in accordance with the ordinance of the city, town or village including the filing of all documentation and certifications required by the city, town or village, in complete and acceptable form. The release shall be deemed effective when the escrow funds **or bond amount** are duly posted with the United States Postal Service or other agreed-upon delivery service or when the escrow funds **or bond amount** are hand delivered to an authorized person or place as specified by the owner or developer.

[4.] **5.** If the city, town or village has not released the escrow funds **or bond amount** within thirty days as provided in this section **or provided a timely inspection of the improvements or utility work after request for such inspection**, the city, town or village shall pay the owner or developer in addition to the escrow funds due the owner or developer, interest at the rate of one and one-half percent per month calculated from the expiration of the thirty-day period until the escrow funds **or bond amount** have been released. Any owner or developer aggrieved by the city's, town's or village's failure to observe the requirements of this section may bring a civil action to enforce the provisions of this section. In any civil action or part of a civil action brought pursuant to this section, the court may award the prevailing party or the city, town or village the amount of all costs attributable to the action, including reasonable attorneys' fees.

[5.] **6.** Nothing in this section shall apply to performance, maintenance and payment bonds required by cities, towns or villages.

[6.] **7.** Before adoption of its subdivision regulations or any amendment thereof, a duly advertised public hearing thereon shall be held by the council.

8. The provisions of subsection 2 of this section requiring the acceptance of an escrow secured by cash or an irrevocable letter of credit, rather than a surety bond, at the option of the developer, all of the provisions of subsection 3 of this section, and the provisions of subsections 4 and 5 of this section regarding an inspection of improvements or utility work within twenty business days shall not apply to any home rule city with more than four hundred thousand inhabitants and located in more than one county.

9. Notwithstanding the provisions of section 290.210, RSMo, to the contrary, improvements secured by escrow, letter of credit, or bond as provided in this section shall not be subject to the terms of sections 290.210 to 290.340, RSMo, unless they are paid for wholly or in part out of public funds."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 117, Section 304.010, Line 21, by adding all of the following:

"389.610. 1. No public road, highway or street shall be constructed across the track of any railroad corporation, nor shall the track of any railroad corporation be constructed across a public road, highway or street, nor shall the track of any railroad corporation be constructed across the track of any other railroad or street railroad corporation at grade nor shall the track of a street railroad corporation be constructed across the tracks of a railroad corporation at grade, without having first secured the permission of the **state** highways and transportation commission, except that this subsection shall not apply to the replacement of lawfully existing tracks. The commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe.

2. Every railroad corporation shall construct and maintain good and sufficient crossings and crosswalks where its railroad crosses public roads, highways, streets or sidewalks now or hereafter to be opened.

3. The **state** highways and transportation commission shall make and enforce reasonable rules and regulations pertaining to the construction and maintenance of all public grade crossings. These rules and regulations shall establish minimum standards for:

(1) The materials to be used in the crossing surface;

(2) The length and width of the crossing;

(3) The approach grades;

(4) The party or parties responsible for maintenance of the approaches and the crossing surfaces.

4. The **state** highways and transportation commission shall have the exclusive power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, apportionment of expenses, use and warning devices of each crossing of a public road, street or highway by a railroad or street railroad, and of one railroad or street railroad by another railroad or street railroad. In order to facilitate such determinations, the **state** highways and transportation commission may adopt pertinent provisions of The Manual on Uniform Traffic Control Devices for Streets and Highways or other national standards.

5. The **state** highways and transportation commission shall have the exclusive power to alter or abolish any crossing, at grade or otherwise, of a railroad or street railroad by a public road, highway or street whenever the **state** highways and transportation commission finds that public necessity will not be adversely affected and public safety will be promoted by so altering or abolishing such crossing, and to require, where, in its judgment it would be practicable, a separation of grades at any crossing heretofore or hereafter established, and to prescribe the terms upon which such separation shall be made. **When a road authority lawfully closes or vacates a roadway which provided access to a railroad crossing, the state highways and transportation commission shall issue an order authorizing removal of the crossing by the railroad within thirty days of being notified of such action by the roadway authority or railroad.**

6. The **state** highways and transportation commission shall have the exclusive power to prescribe the proportion in which the expense of the construction, installation, alteration or abolition of such crossings, the separation of grades, and the continued maintenance thereof, shall be divided between the railroad, street railroad, and the state, county, municipality or other public authority in interest.

7. Any agreement entered into after October 13, 1963, between a railroad or street railroad and the state, county, municipality or other public authority in interest, as to the apportionment of any cost mentioned in this section shall be final and binding upon the filing with the **state** highways and transportation commission of an executed copy of such agreement. If such parties are unable to agree upon the apportionment of the cost, the **state** highways and transportation commission shall apportion the cost among the parties according to the benefits accruing to each. In determining such benefits, the **state** highways and transportation commission shall consider all relevant factors including volume, speed and type of vehicular traffic, volume, speed and type of train traffic, and advantages to the public and to such railroad or street railroad resulting from the elimination of delays and the reduction of hazard at the crossing.

8. Upon application of any person, firm or corporation, the **state** highways and transportation commission shall determine if an existing private crossing has become or a proposed private crossing will become utilized by the public to the extent that it is necessary to protect or promote the public safety. The **state** highways and transportation commission shall consider all relevant factors including but not limited to volume, speed, and type of vehicular traffic, and volume, speed, and type of train traffic. If it be determined that it is necessary to protect and promote the public safety, the **state** highways and transportation commission shall prescribe the nature and type of crossing protection or warning device for such crossing, the cost of which shall be apportioned by the **state** highways and transportation commission among the parties according to the benefits accruing to each. In the event such crossing protection or warning device as prescribed by the **state** highways and transportation commission is not installed, maintained or operated, the crossing shall be closed to the public.

9. The exclusive power of the **state** highways and transportation commission pursuant to this section shall be subject to review, determination, and prescription by the administrative hearing commission, upon application to [that] **the administrative hearing** commission by any interested party **in accordance with section 621.040, RSMo.** Upon filing of an application pursuant to this subsection, the administrative hearing commission is vested with the exclusive power of the highways and transportation commission otherwise provided in this section, with reference to matters reviewed, determined or prescribed by the administrative hearing commission."; and

Further amend said title enacting clause and intersectional references accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 75, Section 137.100, Line 26, by inserting after all of said line the following:

"137.298. **1.** Other provisions of law to the contrary notwithstanding, any city may by ordinance include as a charge on bills issued for personal property taxes any outstanding parking violations issued on any vehicle for which personal property tax is to be paid and, if required by ordinance, such charge shall be collected with and in the same payment as personal property taxes are collected by the collector of revenue of such city. No personal property tax bill shall be considered paid unless all charges for parking violations are also paid in full and the collector of revenue shall not issue a paid personal property receipt until all such charges are paid.

2. Any city or city not within a county may enter into a contract or cooperative agreement with the county governing body and county collector of any county with a charter form of government or any county of the first classification to include as a charge on bills issued for personal property taxes any outstanding vehicle-related fees and fines, including traffic violations, assessed or issued on any vehicle for which personal property tax is to be paid. For the purpose of this section, vehicle-related fees and fines shall include, but not be limited to, traffic violation fines, parking violation fines, towing and vehicle immobilization fees, and any late payment penalties and court costs associated with adjudication or collection of those fines. No personal property tax bill shall be considered paid unless all charges for parking violations and other vehicle-related fees and fines are also paid in full, and the county collector shall not issue a paid personal property tax receipt until all such charges are paid. Any contract or cooperative agreement shall be in writing, signed by the city, county governing body, and county collector, and shall set forth the provisions and terms agreed to by the parties."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 18:SENATE AMENDMENT NO. 18**

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795,

"321.554. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants, when the revenue from the ambulance or fire protection district sales tax is collected for distribution pursuant to section 321.552, the board of the ambulance or fire protection district, after determining its budget for the year pursuant to section 67.010, RSMo, and the rate of levy needed to produce the required revenue and after making any other adjustments to the levy that may be required by any other law, shall reduce the total operating levy of the district in an amount sufficient to decrease the revenue it would have received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax receipts. Loss of revenue, due to a decrease in the assessed valuation of real property located within the ambulance or fire protection district as a result of general reassessment, and from state-assessed railroad and utility distributable property based upon the previous fiscal year's receipts shall be considered in lowering the rate of levy to comply with this section in the year of general reassessment and in each subsequent year. In the event that in the immediately preceding year the ambulance or fire protection district actually received more or less sales tax revenue than estimated, the ambulance or fire protection district board may adjust its operating levy for the current year to reflect such increase or decrease. The director of revenue shall certify the amount payable from the ambulance or fire protection district sales tax trust fund to the general revenue fund to the state treasurer.

2. Except that, in the first year in which any sales tax is collected pursuant to section 321.552, the collector shall not reduce the tax rate as defined in section 137.073, RSMo.

3. In a year of general reassessment, as defined by section 137.073, RSMo, or assessment maintenance as defined by section 137.115, RSMo, in which an ambulance or fire protection district in reliance upon the information then available to it relating to the total assessed valuation of such ambulance or fire protection district revises its property tax levy pursuant to section 137.073 or 137.115, RSMo, and it is subsequently determined by decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of assessed valuations that the assessed valuation of such ambulance or fire protection district has been changed, and but for such change the ambulance or fire protection district would have adopted a different levy on the date of its original action, then the ambulance or fire protection district may adjust its levy to an amount to reflect such change in assessed valuation, including, if necessary, a change in the levy reduction required by this section to the amount it would have levied had the correct assessed valuation been known to it on the date of its original action, provided:

(1) The ambulance or fire protection district first levies the maximum levy allowed without a vote of the people by article X, section 11(b) of the constitution; and

(2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise authorized by other laws of this state; and

(3) The levy adjustment or reduction may include a one-time correction to recoup lost revenues the ambulance or fire protection district was entitled to receive during the prior year.

321.556. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants, the governing body of any ambulance or fire protection district, when presented with a petition signed by at least twenty percent of the registered voters in the ambulance or fire

protection district that voted in the last gubernatorial election, calling for an election to repeal the tax pursuant to section 321.552, shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

"Shall (insert name of ambulance or fire protection district) repeal the (insert amount up to one-half) of one percent sales tax now in effect in the.....(insert name of ambulance or fire protection district) and reestablish the property tax levy in the district to the rate in existence prior to the enactment of the sales tax?

Yes No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"."

2. If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 19:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 20, Section 67.402, Line 13, by adding all of the following:

"4. The provisions of this section shall not apply to lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources, or the department of conservation."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 20:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 2, Section A, Line 5, of said page, by inserting after all of said line the following:

"49.082. 1. A county commissioner in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall, subject to any other adjustment otherwise provided in this section, receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of commissioner on January 1, [1997] 2004.

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[19,140] 24,116

41,000,000 to 53,999,999 [19,800] 24,948

54,000,000 to 65,999,999 [21,120] 26,611

66,000,000 to 85,999,999 [22,440] **28,274**

86,000,000 to 99,999,999 [23,760] **29,938**

100,000,000 to 130,999,999 [25,080] **31,601**

131,000,000 to 159,999,999 [26,400] **33,264**

160,000,000 to 189,999,999 [27,060] **34,096**

190,000,000 to 249,999,999 [27,390] **34,511**

250,000,000 to 299,999,999 [28,380] **35,759**

300,000,000 [or more] to **310,999,999** [29,700] **37,422**

311,000,000 to 330,999,999 38,412

331,000,000 to 359,999,999 39,402

360,000,000 to 389,999,999 40,392

390,000,000 to 449,999,999 41,382

450,000,000 to 499,999,999 42,372

500,000,000 to 549,999,999 43,362

550,000,000 or more 44,352

2. In addition to any compensation provided pursuant to subsection 1 of this section, the presiding commissioner of any county not having a charter form of government shall receive two thousand dollars annual salary.

3. Two thousand dollars of the salary authorized in this section shall be payable to a commissioner only if the commissioner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the commissioner's office when approved by a professional association of the county commissioners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each commissioner who completes the training program and shall send a list of certified commissioners to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to a county commissioner in the same manner as other expenses as may be appropriated for that purpose.

4. A county commissioner in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon a two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county commissioner or presiding commissioner respectively for the particular county for services rendered or performed on the date the salary commission votes."; and

Further amend said bill, Page 6, Section 50.515, Line 7 of said page, by inserting after all of said line the following:

"50.334. 1. In all counties, except counties of the first classification having a charter form of government and counties of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, each recorder of deeds, if the recorder's office is separate from that of the circuit clerk, shall receive as total compensation for all services performed by the recorder, except as provided

pursuant to section 50.333, an annual salary which shall be computed on an assessed valuation basis, **without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo**, as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as computed for the year next preceding the computation. The county recorder of deeds whose office is separate from that of the circuit clerk in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county recorder of deeds in the particular county for services rendered or performed on January 1, [1997] **2004**.

Assessed Valuation Salary

\$ 8,000,000 to 40,999,999 \$[29,000] **36,540**

41,000,000 to 53,999,999 [30,000] **37,800**

54,000,000 to 65,999,999 [32,000] **40,320**

66,000,000 to 85,999,999 [34,000] **42,840**

86,000,000 to 99,999,999 [36,000] **45,360**

100,000,000 to 130,999,999 [38,000] **47,880**

131,000,000 to 159,999,999 [40,000] **50,400**

160,000,000 to 189,999,999 [41,000] **51,660**

190,000,000 to 249,999,999 [41,500] **52,290**

250,000,000 to 299,999,999 [43,000] **54,180**

300,000,000 [or more] to **310,999,999** [45,000] **56,700**

311,000,000 to 330,999,999 58,200

331,000,000 to 359,999,999 59,700

360,000,000 to 389,999,999 61,200

390,000,000 to 449,999,999 62,700

450,000,000 to 499,999,999 64,200

500,000,000 to 549,999,999 65,700

550,000,000 or more 67,200

2. Two thousand dollars of the salary authorized in this section shall be payable to the recorder only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the recorder's office when approved by a professional association of the county recorders of deeds of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each recorder who completes the training program and shall send a list of certified recorders to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the county recorder in the same manner as other expenses as may be appropriated for that purpose.

50.343. 1. Other provisions of law to the contrary notwithstanding, in any first classification nonchartered county, including any county containing any part of a city with a population of three hundred thousand or more, the annual salary of a county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor or salaried public administrator may be computed on an assessed valuation basis, **without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo**, as set forth in the following schedule except as provided in [subsection 2] **subsections 2 and 3** of this section. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit a reduction in the amount of compensation being paid on January 1, [1997] **2004**, for any of the offices subject to this section on January 1, [1997] **2004**.

(1) For a recorder of deeds, clerk, auditor, presiding commissioner, collector, treasurer, assessor, or salaried public administrator:

Assessed Valuation Salary

[**\$ 450,000,001 to 600,000,000 \$47,000**

600,000,001 to 750,000,000 49,000

750,000,001 to 900,000,000 51,000

900,000,001 to 1,050,000,000 53,000

1,050,000,001 to 1,200,000,000 55,000

1,200,000,001 to 1,350,000,000 57,000

1,350,000,000 and over 59,000]

\$ 450,000,000 to 499,999,999 \$64,200

500,000,000 to 649,999,999 65,700

650,000,000 to 799,999,999 67,200

800,000,000 to 949,999,999 68,700

950,000,000 to 1,099,999,999 70,200

1,100,000,000 to 1,249,999,999 71,700

1,250,000,000 to 1,399,999,999 73,200

1,400,000,000 to 1,549,999,999 74,700

1,550,000,000 to 1,699,999,999 76,200

1,700,000,000 to 1,849,999,999 77,700

1,850,000,000 to 1,999,999,999 79,200

2,000,000,000 and over 80,700

(2) Presiding commissioners shall receive a salary of two thousand dollars more than the salary received by the associate commissioners.

2. After December 31, 1990, in any county of the second classification which becomes a first classification county without a charter form of government, the annual compensation of county recorder of deeds, clerk, auditor, county commissioner, collector, treasurer, assessor and the public administrator in counties where the public administrator is paid a salary under the provisions of section 473.740, RSMo, may be set at the option of the salary commission. On or before October first of the year immediately prior to the beginning of the county fiscal year following the general election after the certification by the state equalizing agency that the county possesses an assessed valuation placing it in first classification status, the salary commission shall meet for the purpose of setting compensation for such county **offices or** officials and such compensation shall be payable immediately except that no compensation of any **county office or** county official shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Thereafter in all such counties the salary commission shall meet for the purpose of setting the compensation of the **offices or** officers in this subsection who will be elected at the next general election, and such compensation shall be payable upon the beginning of the next term of office of such **offices or** officers; except that, no compensation of any **office or** officer shall be reduced and the compensation of presiding county commissioners in any of such counties shall be two thousand dollars more than the compensation paid to the associate commissioners in that county. Two thousand dollars of the compensation established under the procedures authorized pursuant to this subsection shall be payable to a county officer only if the officer has completed at least twenty hours of classroom instruction in the operation of the office in the same manner as provided by law for **the offices and** officers subject to the provisions of section 50.333. At the salary commission meeting which establishes the percentage rate to be applied to **the** county **offices or** officers during the next term of office, the salary commission may authorize the further adjustment of such officers' compensation as a cost-of-living component and effective January first of each year, the compensation for county **offices or** officers may be adjusted by the county commission, not to exceed the percentage increase given to the other county employees.

3. [Other provisions of this section to the contrary notwithstanding, at the option of a majority of the county salary commission members, the salary of associate commissioners of a county of the first classification without a charter form of government with a population of at least eighty-two thousand but not more than eighty-five thousand inhabitants may be set at no more than sixty-five percent of the amount on the salary schedule for the county affected] **The compensation for county assessors in counties of the first classification for the term of office beginning September 1, 2005, shall be calculated under the salary schedule in this section using the percentage increase approved by the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in 2005. This salary shall become effective September 1, 2005.**

50.345. 1. The most recent percentage of the maximum allowable compensation established by the salary commission shall continue to apply regardless of any action by the general assembly to modify the salary schedule of any elected county official and shall be based upon the statute in effect at the time the salary commission established the percentage of the maximum allowable compensation for that office. At the meeting of the salary commission following any modification to any elected county official's salary schedule, the salary commission shall base the percentage of maximum allowable compensation as set forth in current statute.

2. Notwithstanding the provisions of subsection 5 of section 50.333 and subsection 2 of section 50.343, following the modification by the general assembly of any elected officer's maximum allowable compensation, the salary commission of any county may meet for the sole purpose of modifying the percentage of the maximum allowable compensation authorized by the county salary commission for any such position."; and

Further amend said bill, Page 11, Section 50.1250, Line 21 of said page, by inserting after all of said line the following:

"51.281. 1. The county clerk in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of clerk on January 1, [1997] **2004.**

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[29,000] **36,540**

41,000,000 to 53,999,999 [30,000] **37,800**

54,000,000 to 65,999,999 [32,000] **40,320**

66,000,000 to 85,999,999 [34,000] **42,840**

86,000,000 to 99,999,999 [36,000] **45,360**

100,000,000 to 130,999,999 [38,000] **47,880**

131,000,000 to 159,999,999 [40,000] **50,400**

160,000,000 to 189,999,999 [41,000] **51,660**

190,000,000 to 249,999,999 [41,500] **52,290**

250,000,000 to 299,999,999 [43,000] **54,180**

300,000,000 [or more] to **310,999,999** [45,000] **56,700**

311,000,000 to 330,999,999 58,200

331,000,000 to 359,999,999 59,700

360,000,000 to 389,999,999 61,200

390,000,000 to 449,999,999 62,700

450,000,000 to 499,999,999 64,200

500,000,000 to 549,999,999 65,700

550,000,000 or more 67,200

2. Two thousand dollars of the salary authorized in this section shall be payable to the clerk only if the clerk has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the clerk's office when approved by a professional association of the county clerks of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each clerk who completes the training program and shall send a list of certified clerks to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county clerk in the same manner as other expenses as may be appropriated for that purpose.

3. [The county clerk may retain any fees to which he is entitled for services performed in the issuance of fish and game licenses or permits.

4.] The county clerk in any county, other than a first classification charter county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county clerk in the particular county for services rendered or performed on the date the salary commission votes.

51.283. Notwithstanding any other provision of law to the contrary, the election authority in each county that

does not have a board of election commissioners shall receive additional compensation of seven thousand five hundred dollars annually for duties performed in compliance with the Help America Vote Act of 2002."; and

Further amend said bill, Pages 11 to 13, Section 52.269, by striking said section and inserting in lieu thereof the following:

"52.269. 1. In all counties, except first classification counties having a charter form of government and first classification counties not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, the county collector shall receive an annual salary which shall be paid in equal monthly installments by the county. The salary shall be computed on an assessed valuation basis, **without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo**, as provided in this subsection. The assessed valuation factor shall be the amount as shown for the year next preceding the annual salary computation. A county collector subject to the provisions of this section shall not receive an annual compensation less than the total compensation being received by the county collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county collector shall receive the same percentage adjustments provided by the county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county collector on January 1, [1997] **2004**, or less than the total compensation being received for the services rendered or performed for the period beginning [March 1, 1987, and ending February 29, 1988] **January 1, 2004**. The salary shall be computed on the basis of the following schedule:

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[29,000] **36,540**

41,000,000 to 53,999,999 [30,000] **37,800**

54,000,000 to 65,999,999 [32,000] **40,320**

66,000,000 to 85,999,999 [34,000] **42,840**

86,000,000 to 99,999,999 [36,000] **45,360**

100,000,000 to 130,999,999 [38,000] **47,880**

131,000,000 to 159,999,999 [40,000] **50,400**

160,000,000 to 189,999,999 [41,000] **51,660**

190,000,000 to 249,999,999 [41,500] **52,290**

250,000,000 to 299,999,999 [43,000] **54,180**

300,000,000 [or more] to **310,999,999** [45,000] **56,700**

311,000,000 to 330,999,999 58,200

331,000,000 to 359,999,999 59,700

360,000,000 to 389,999,999 61,200

390,000,000 to 449,999,999 62,700

450,000,000 to 499,999,999 64,200

500,000,000 to 549,999,999 65,700

550,000,000 or more 67,200

2. Two thousand dollars of the salary authorized in this section shall be payable to the collector only if the collector has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the collector's office when approved by a professional association of the county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each collector who completes the training program and shall send a list of certified collectors to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county collector in the same manner as other expenses as may be appropriated for that purpose.

3. Any provision of law to the contrary notwithstanding, any fee provided for in section 52.250 or 52.275, when collected on ditch and levee taxes, shall not be collected on behalf of the county and deposited into the county general revenue fund. Such fee shall be retained by the collector as compensation for his services, in addition to any amount provided for such collector in this section. [Any fee which may be retained by the collector under the terms of such contract may be retained in addition to all other compensation provided by law.]

4. Except as provided in subsection 3 of this section, after the next general election following January 1, 1988, all fees collected by the collector shall be collected on behalf of the county and deposited in the county general revenue fund.";

and

Further amend said bill, Page 14, Section 52.271, Line 11 of said page, by inserting after all of said line the following:

"53.082. 1. The county assessor in any county, other than in a first classification county, shall receive an annual salary computed as set forth in the following schedule provided in this subsection. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of assessor on [September 1, 1997] **January 1, 2004.**

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[29,000] **36,540**

41,000,000 to 53,999,999 [30,000] **37,800**

54,000,000 to 65,999,999 [32,000] **40,320**

66,000,000 to 85,999,999 [34,000] **42,840**

86,000,000 to 99,999,999 [36,000] **45,360**

100,000,000 to 130,999,999 [38,000] **47,880**

131,000,000 to 159,999,999 [40,000] **50,400**

160,000,000 to 189,999,999 [41,000] **51,660**

190,000,000 to 249,999,999 [41,500] **52,290**

250,000,000 to 299,999,999 [43,000] **54,180**

300,000,000 [or more] to **310,999,999** [45,000] **56,700**

311,000,000 to 330,999,999 58,200

331,000,000 to 359,999,999 59,700

360,000,000 to 389,999,999 61,200

390,000,000 to 449,999,999 62,700

450,000,000 to 499,999,999 64,200

500,000,000 to 549,999,999 65,700

550,000,000 or more 67,200

2. The compensation for county assessors in second, third and fourth classification counties for the term of office beginning September 1, [1997] **2005**, shall be calculated pursuant to the salary schedule in this section using the percentage increase approved by the county salary commission when establishing the compensation for the office of county assessor at the salary commission meeting in [1997] **2005**. This salary shall become effective on September 1, [1997] **2005**.

3. Two thousand dollars of the salary authorized in this section shall be payable to the assessor only if the assessor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the assessor's office when approved by a professional association of the county assessors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each assessor who completes the training program and shall send a list of certified assessors to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county assessor in the same manner as other expenses as may be appropriated for that purpose.

4. The county assessor in any county, except a first classification county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county assessor in the particular county for services rendered or performed on the date the salary commission votes.

54.261. 1. The county treasurer in counties of the first classification, not having a charter form of government and containing a portion of a city with a population of three hundred thousand or more, and in counties of the second, third and fourth classifications of this state, shall receive as compensation for services performed by the treasurer an annual salary based upon the assessed valuation of the county. The provisions of this section shall not permit or require a reduction[, nor shall require an increase,] in the amount of compensation being paid for the office of treasurer on January 1, [2002] **2004**.

2. The amount of salary based upon assessed valuation shall be computed according to the following schedule:

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[29,000] **36,540**

41,000,000 to 53,999,999 [30,000] **37,800**

54,000,000 to 65,999,999 [32,000] **40,320**

66,000,000 to 85,999,999 [34,000] **42,840**

86,000,000 to 99,999,999 [36,000] **45,360**

100,000,000 to 130,999,999 [38,000] **47,880**

131,000,000 to 159,999,999 [40,000] **50,400**

160,000,000 to 189,999,999 [41,000] **51,660**

190,000,000 to 249,999,999 [41,500] **52,290**

250,000,000 to 299,999,999 [43,000] **54,180**

300,000,000 [or more] to **310,999,999** [45,000] **56,700**

311,000,000 to 330,999,999 58,200

331,000,000 to 359,999,999 59,700

360,000,000 to 389,999,999 61,200

390,000,000 to 449,999,999 62,700

450,000,000 to 499,999,999 64,200

500,000,000 to 549,999,999 65,700

550,000,000 or more 67,200

3. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer only if the treasurer has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the treasurer's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer who completes the training program and shall send a list of certified treasurers to the county commission of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county treasurer in the same manner as other expenses as may be appropriated for that purpose.

4. The county treasurer in any county, other than a county of the first classification having a charter form of government or a county of the first classification not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall not, except upon two-thirds vote of all the members of the commission, receive an annual compensation in an amount less than the total compensation being received for the office of county treasurer in the particular county for services rendered or performed on the date the salary commission votes.

5. In the event of a vacancy in the office of treasurer in any county except a county of the first classification with a charter form of government, when there is no deputy treasurer, the county commission shall appoint a qualified acting treasurer until such time as the vacancy is filled by the governor pursuant to section 105.030, RSMo.

54.320. 1. The county treasurer ex officio collector in counties of the third and fourth classifications adopting township organization shall receive an annual salary as set forth in the following schedule. **The salary shall be computed on an assessed valuation basis, without regard to modifications due to the existence of enterprise zones or financing under chapter 100, RSMo, as provided in this subsection.** The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. A county treasurer ex officio collector subject to the provisions of this section shall not receive an annual compensation less than the total compensation being received by the county treasurer ex officio collector in that county for services rendered or performed for the period beginning March 1, 1987, and ending February 29, 1988. The county treasurer ex officio collector shall receive the same percentage adjustments provided by county salary commissions for county officers in that county pursuant to section 50.333, RSMo. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of county treasurer ex officio collector on January 1, [1997] **2004**, or less than the total compensation being received for the services rendered or performed for the period beginning [March 1, 1987, and ending February 29, 1988] **January 1, 2004**. The salary shall be computed on the basis of the following schedule:

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[29,000] **36,540**

41,000,000 to 53,999,999 [30,000] **37,800**

54,000,000 to 65,999,999 [32,000] **40,320**

66,000,000 to 85,999,999 [34,000] **42,840**

86,000,000 to 99,999,999 [36,000] **45,360**

100,000,000 to 130,999,999 [38,000] **47,880**

131,000,000 to 159,999,999 [40,000] **50,400**

160,000,000 to 189,999,999 [41,000] **51,660**

190,000,000 to 249,999,999 [41,500] **52,290**

250,000,000 to 299,999,999 [43,000] **54,180**

300,000,000 to [449,999,999] **310,999,999** [45,000] **56,700**

311,000,000 to 330,999,999 58,200

331,000,000 to 359,999,999 59,700

360,000,000 to 389,999,999 61,200

390,000,000 to 449,999,999 62,700

450,000,000 to 499,999,999 64,200

500,000,000 to 549,999,999 65,700

550,000,000 or more 67,200

In addition, the ex officio collector shall be allowed to retain a commission for the collection of all back taxes and all delinquent taxes of two percent on all sums collected to be added to the face of the tax bill, and collected from the party paying the tax. The ex officio collector shall be allowed a commission of three percent on all licenses, and all taxes, including current taxes, back taxes, delinquent taxes and interest collected by the ex officio collector, to be deducted from the amounts collected. The three percent allowed to be retained shall be withheld on behalf of the county and shall be deposited in the county treasury or as provided by law and beginning January 1, 1989, the two percent allowed to be retained for collection of all back taxes and delinquent taxes shall be withheld on behalf of the county and shall be deposited in the county treasury or as provided by law. **Notwithstanding any provisions of law to the contrary, or any other provision of law in conflict with the provisions of this section,** the treasurer ex officio collector in each of the third and fourth classification counties which have adopted the township form of county government **shall be allowed to employ not less than one full time deputy and** is entitled to employ **such a number of** deputies and assistants, **as may be necessary to promptly and correctly perform the duties of the office of treasurer ex officio collector,** and for the deputies and assistants is allowed not less than the amount allowed in [1992 or 1993] **2001 or 2002,** whichever is greater, **and shall be allowed not less than any greater amount approved for any subsequent year.**

2. Two thousand dollars of the salary authorized in this section shall be payable to the treasurer ex officio collector only if such officer has completed at least twenty hours of classroom instruction each calendar year relating to the

operations of the treasurer ex officio collector's office when approved by a professional association of the county treasurers or county collectors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each treasurer ex officio collector who completes the training program and shall send a list of certified treasurer ex officio collectors to the county commission of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county treasurer ex officio collector in the same manner as other expenses as may be appropriated for that purpose.

55.091. 1. The county auditor in any county, other than in a first classification chartered county or a first classification county not having a charter form of government and not containing any part of a city with a population of three hundred thousand or more, shall receive an annual salary computed on an assessed valuation basis as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of auditor on January 1, [1997] **2004**.

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$ 36,540

41,000,000 to 53,999,999 37,800

54,000,000 to 65,999,999 40,320

66,000,000 to 85,999,999 42,840

86,000,000 to 99,999,999 45,360

100,000,000 to 130,999,999 47,880

131,000,000 to [189,999,999] 159,999,999 [\$40,500] 50,400

160,000,000 to 189,999,999 51,660

190,000,000 to 249,999,999 [41,500] 52,290

250,000,000 to 299,999,999 [43,000] 54,180

300,000,000 to [399,999,999] 310,999,999 [45,000] 56,700

[400,000,000 to 499,999,999 46,000]

311,000,000 to 330,999,999 58,200

331,000,000 to 359,999,999 59,700

360,000,000 to 389,999,999 61,200

390,000,000 to 449,999,999 62,700

450,000,000 to 499,999,999 64,200

500,000,000 [or more] to 549,999,999 [47,000] 65,700

550,000,000 or more 67,200

2. Two thousand dollars of the salary authorized in this section shall be payable to the auditor only if the auditor has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the auditor's

office when approved by a professional association of the county auditors of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each auditor who completes the training program and shall send a list of certified auditors to the treasurer of each county. Expenses incurred attending the training session [may] **shall** be reimbursed to the county auditor in the same manner as other expenses as may be appropriated for that purpose.

3. The county auditor in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county auditor in the particular county for services rendered or performed on the date the salary commission votes.

56.265. 1. The county prosecuting attorney in any county, other than in a chartered county, shall receive an annual salary computed using the following schedule, when applicable. The assessed valuation factor shall be the amount thereof as shown for the year immediately preceding the year for which the computation is done.

(1) For a full-time prosecutor the prosecutor shall receive compensation equal to the compensation of an associate circuit judge;

(2) For a part-time prosecutor:

Assessed Valuation Amount

\$ 18,000,000 to 40,999,999 \$[37,000] **46,620**

41,000,000 to 53,999,999 [38,000] **47,880**

54,000,000 to 65,999,999 [39,000] **49,140**

66,000,000 to 85,999,999 [41,000] **51,660**

86,000,000 to 99,999,999 [43,000] **54,180**

100,000,000 to 130,999,999 [45,000] **56,700**

131,000,000 to 159,999,999 [47,000] **59,220**

160,000,000 to 189,999,999 [49,000] **61,740**

190,000,000 to 249,999,999 [51,000] **64,260**

250,000,000 to 299,999,999 [53,000] **66,780**

300,000,000 [or more] to **310,999,999** [55,000] **69,300**

311,000,000 to 330,999,999 71,133

331,000,000 to 359,999,999 72,966

360,000,000 to 389,999,999 74,799

390,000,000 to 449,999,999 76,632

450,000,000 to 499,999,999 78,465

500,000,000 to 549,999,999 80,298

550,000,000 or more 82,131

2. Two thousand dollars of the salary authorized in this section shall be payable to the prosecuting attorney only if the prosecuting attorney has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the prosecuting attorney's office when approved by a professional association of the county prosecuting attorneys of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each prosecuting attorney who completes the training program and shall send a list of certified prosecuting attorneys to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county prosecuting attorney in the same manner as other expenses as may be appropriated for that purpose.

3. As used in this section, the term "prosecuting attorney" includes the circuit attorney of any city not within a county.

4. The prosecuting attorney of any county which becomes a county of the first classification during a four-year term of office or a county which passed the proposition authorized by section 56.363 shall not be required to devote full time to such office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of office or until the proposition otherwise becomes effective.

5. The provisions of section 56.066 shall not apply to full-time prosecutors who are compensated pursuant to subdivision (1) of subsection 1 of this section.

57.317. 1. The county sheriff in any county, other than in a first classification chartered county, shall receive an annual salary computed as set forth in the following schedule. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff on January 1, [1997] **2004**.

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[36,000] **45,360**

41,000,000 to 53,999,999 [37,000] **46,620**

54,000,000 to 65,999,999 [38,000] **47,880**

66,000,000 to 85,999,999 [39,000] **49,140**

86,000,000 to 99,999,999 [40,000] **50,400**

100,000,000 to 130,999,999 [42,000] **52,920**

131,000,000 to 159,999,999 [44,000] **53,440**

160,000,000 to 189,999,999 [45,000] **56,700**

190,000,000 to 249,999,999 [46,000] **57,960**

250,000,000 to 299,999,999 [48,000] **60,480**

300,000,000 to [449,999,999] **310,999,999** [50,000] **63,000**

311,000,000 to 330,999,999 64,667

331,000,000 to 359,999,999 66,333

360,000,000 to 389,999,999 68,000

390,000,000 to 449,999,999 68,152

450,000,000 to [599,999,999] **499,999,999 [52,000] 72,574**

500,000,000 to 599,999,999 72,689

600,000,000 to 749,999,999 [54,000] **73,256**

750,000,000 to 899,999,999 [56,000] **74,125**

900,000,000 to 1,049,999,999 [58,000] **75,181**

1,050,000,000 to 1,199,999,999 [60,000] **77,673**

1,200,000,000 to 1,349,999,999 [62,000] **79,621**

1,350,000,000 [and over] to **1,549,999,999 [64,000] 81,031**

1,550,000,000 to 1,699,999,999 82,658

1,700,000,000 to 1,849,999,999 84,285

1,850,000,000 to 1,999,999,999 85,912

2,000,000,000 and over 87,539

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation less than the total compensation being received for the office of county sheriff in the particular county for services rendered or performed on the date the salary commission votes.

58.095. 1. The county coroner in any county, other than in a first classification chartered county, shall receive an annual salary computed on a basis as set forth in the following schedule. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of coroner on January 1, [1997] **2004**:

Assessed Valuation Salary

\$ 18,000,000 to 40,999,999 \$[8,000] **10,080**

41,000,000 to 53,999,999 [8,500] **10,710**

54,000,000 to 65,999,999 [9,000] **11,340**

66,000,000 to 85,999,999 [9,500] **11,970**

86,000,000 to 99,999,999 [10,000] **12,600**

100,000,000 to 130,999,999 [11,000] **13,860**

131,000,000 to 159,999,999 [12,000] **15,120**

160,000,000 to 189,999,999 [13,000] **16,380**

190,000,000 to 249,999,999 [14,000] **17,640**

250,000,000 to 299,999,999 [15,000] **18,900**

300,000,000 or more [16,000] **20,160**

2. One thousand dollars of the salary authorized in this section shall be payable to the coroner only if the coroner has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the coroner's office when approved by a professional association of the county coroners of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each coroner who completes the training program and shall send a list of certified coroners to the treasurer of each county. Expenses incurred for attending the training session [may] **shall** be reimbursed to the county coroner in the same manner as other expenses as may be appropriated for that purpose.

3. The county coroner in any county, other than a first classification charter county, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county coroner in the particular county for services rendered or performed on the date the salary commission votes.

4. For the term beginning in 1997, the compensation of the coroner, in counties in which the salary commission has not voted to pay one hundred percent of the maximum allowable salary, shall be a percentage of the maximum allowable salary established by this section. The percentage applied shall be the same percentage of the maximum allowable salary received or allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of that county for the year beginning January 1, 1997. In those counties in which the salary commission has voted to pay one hundred percent of the maximum allowable salary, the compensation of the coroner shall be based on the maximum allowable salary in effect at each time a coroner's term of office commences following the vote to pay one hundred percent of the maximum allowable compensation. Subsequent compensation shall be determined as provided in section 50.333, RSMo.

5. Effective January 1, 1997, the county coroner in any county, other than a county of the first classification with a charter form of government, may, upon the approval of the county commission, receive additional compensation for any month during which investigations or other services are performed for three or more decedents in the same incident during such month. The additional compensation shall be an amount that when added to the regular compensation the sum shall equal the monthly compensation of the county sheriff."; and

Further amend said bill, Page 117, Section 304.010, Line 21 of said page, by inserting after all of said line the following:

"473.742. 1. Each public administrator in counties of the second, third or fourth classification and in the city of St. Louis shall make a determination within thirty days after taking office whether such public administrator shall elect to receive a salary as defined herein or receive fees as may be allowed by law to executors, administrators and personal representatives. The election by the public administrator shall be made in writing to the county clerk. Should the public administrator elect to receive a salary, the public administrator's office may not then elect to change at any future time to receive fees in lieu of salary.

2. If a public administrator elects to be placed on salary, the salary shall be based upon the average number of open letters in the two years preceding [the term when the salary is elected,] based upon the following schedule:

(1) Zero to five letters: Salary shall be a minimum of [seven] **ten** thousand [five hundred] dollars;

(2) Six to fifteen letters: Salary shall be a minimum of [fifteen] **twenty** thousand dollars;

- (3) Sixteen to twenty-five letters: Salary shall be a minimum of [twenty] **twenty-six** thousand dollars;
- (4) Twenty-six to thirty-nine letters: Salary shall be a minimum of [twenty-five] **thirty-three** thousand dollars;
- (5) Public administrators with forty or more letters shall be considered full-time county officials and shall be paid according to the assessed valuation schedule set forth below:

Assessed valuation Salary

\$ 8,000,000 to 40,999,999 [\$29,000]	\$36,540
\$ 41,000,000 to 53,999,999 [\$30,000]	\$37,800
\$ 54,000,000 to 65,999,999 [\$32,000]	\$40,320
\$ 66,000,000 to 85,999,999 [\$34,000]	\$42,840
\$ 86,000,000 to 99,999,999 [\$36,000]	\$45,360
\$100,000,000 to 130,999,999 [\$38,000]	\$47,880
\$131,000,000 to 159,999,999 [\$40,000]	\$50,400
\$160,000,000 to 189,999,999 [\$41,000]	\$51,660
\$190,000,000 to 249,999,999 [\$41,500]	\$52,290
\$250,000,000 to 299,999,999 [\$43,000]	\$54,180
\$300,000,000 to [449,999,999]	310,999,999 [\$45,000] \$56,700
\$[450,000,000 to 599,999,999]	311,000,000 to 330,999,999 [\$47,000] \$58,200
\$[600,000,000 to 749,999,999]	331,000,000 to 359,999,999 [\$49,000] \$59,700
\$[750,000,000 to 899,999,999]	360,000,000 to 389,999,999 [\$51,000] \$61,200
\$[900,000,000 to 1,049,999,999]	390,000,000 to 449,999,999 [\$53,000] \$62,700
\$[1,050,000,000 to 1,199,999,999]	450,000,000 to 499,999,999 [\$55,000] \$64,200
\$[1,200,000,000 to 1,349,999,999]	500,000,000 to 549,999,999 [\$57,000] \$65,700
\$ 650,000,000 to 799,999,999	\$67,200
\$ 800,000,000 to 949,999,999	\$68,700
\$ 950,000,000 to 1,099,999,999	\$70,200
\$1,100,000,000 to 1,249,999,999	\$71,700
\$1,250,000,000 to 1,399,999,999	\$73,200
\$1,400,000,000 to 1,549,999,999	\$74,700
\$1,550,000,000 to 1,699,999,999	\$76,200

\$1,700,000,000 to 1,849,999,999 \$77,700

\$1,850,000,000 to 1,999,999,999 \$79,200

\$[1,350,000,000] 2,000,000,000 and over [\$59,000] \$80,700;

(6) The public administrator in the city of St. Louis shall receive a salary not less than sixty-five thousand dollars.

3. The initial compensation of the public administrator who elects to be put on salary shall be determined by the average number of letters for the two years preceding the term when the salary is elected. Salary increases or decreases according to the minimum schedule set forth in subsection 1 of this section shall be adjusted only after the number of open letters places the workload in a different subdivision for two consecutive years. Minimum salary increases or decreases shall only take effect upon a new term of office of the public administrator. The number of letters each year shall be determined in accordance with the reporting requirements set forth in law.

4. All fees collected by a public administrator who elects to be salaried shall be deposited in the county treasury or with the treasurer for the city of St. Louis.

5. Any public administrator in a county of the first classification [without a charter form of government] with a population of less than one hundred thousand inhabitants who elects to receive fees in lieu of a salary pursuant to this section may elect to join the Missouri local government employees' retirement system created pursuant to sections 70.600 to 70.755, RSMo."; and

Further amend page 141, Section B, Line 8, by inserting after all of said lines the following:

"Section C. Sections 49.082, 50.334, 50.343, 50.345, 51.281, 51.283, 52.269, 53.082, 54.261, 54.370, 55.091, 56.265, 57.317, 58.095, and 473.742 as repealed and reenacted or enacted by this act shall be effective January 1, 2006."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 21**, which was read:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 17, Section 67.320, Line 29 of said page, by inserting after all of said line the following:

"5. Pursuant to Article IX of the Missouri Constitution, fines received by the county pursuant to this section shall be paid to the school districts in the county pursuant to chapter 166, RSMo."

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 123, Section 537.550, Line 25, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Days, Coleman, Callahan and Wheeler.

SA 22 failed of adoption by the following vote:

YEAS--Senators			
Bray	Callahan	Caskey	Coleman
Days	Gross	Jacob	Kennedy
Quick	Steelman	Wheeler--11	
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Vogel	Yeckel--18		
Absent--Senators--None			
Absent with leave--Senators			
Bland	Dougherty	Goode	Russell
Stoll--5			

Senator Loudon offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 70, Section 67.2535, Line 16, by inserting after said line the following:

"94.270. **1.** The mayor and board of aldermen shall have power and authority to regulate and to license and to levy and collect a license tax on auctioneers, druggists, hawkers, peddlers, banks, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, hotels, public boardinghouses, billiard and pool tables and other tables, bowling alleys, lumber dealers, real estate agents, loan companies, loan agents, public buildings, public halls, opera houses, concerts, photographers, bill posters, artists, agents, porters, public lecturers, public meetings, circuses and shows, for parades and exhibitions, moving picture shows, horse or cattle dealers, patent right dealers, stockyards, inspectors, gaugers, mercantile agents, gas companies, insurance companies, insurance agents, express companies, and express agents, telegraph companies, light, power and water companies, telephone companies, manufacturing and other corporations or institutions, automobile agencies, and dealers, public garages, automobile repair shops or both combined, dealers in automobile accessories, gasoline filling stations, soft drink stands, ice cream stands, ice cream and soft drink stands combined, soda fountains, street railroad cars, omnibuses, drays, transfer and all other vehicles, traveling and auction stores, plumbers, and all other business, trades and avocations whatsoever, and fix the rate of carriage of persons, drayage and cartage of property; and to license, tax, regulate and suppress ordinaries, money brokers, money changers, intelligence and employment offices and agencies, public masquerades, balls, street exhibitions, dance houses, fortune hospitals, museums, menageries, equestrian performances, horoscopic views, telescopic views, lung testers, muscle developers, magnifying glasses, ten pin alleys, ball alleys, billiard tables, pool tables and other tables, theatrical or other exhibitions, boxing and sparring exhibitions, shows and amusements, tippling houses, and sales of unclaimed goods by express companies or common carriers, auto wrecking shops and junk dealers; to license, tax and regulate hackmen, draymen, omnibus drivers, porters and all others pursuing like occupations, with or without vehicles, and to prescribe their compensation; and to regulate, license and restrain runners for steamboats, cars, and public houses; and to license ferries, and to regulate the same and the landing thereof within the limits of the city, and to license and tax auto liveries, auto drays and jitneys.

2. Notwithstanding any other law to the contrary, no city of the fourth classification with more than eight hundred but less than nine hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of twenty-one dollars and fifty cents per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection.

3. Notwithstanding any other law to the contrary, no city of the fourth classification with more than four thousand one hundred but less than four thousand two hundred inhabitants and located in any county with a charter form of government and with more than one million inhabitants shall levy or collect a license fee on hotels or motels in an amount in excess of eleven dollars per room per year. No hotel or motel in such city shall be required to pay a license fee in excess of such amount, and any license fee in such city that exceeds the limitation of this subsection shall be automatically reduced to comply with this subsection."

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 119, Section 475.275, Line 24, by inserting after all of said section the following:

"478.570. 1. There shall be two circuit judges in the seventeenth judicial circuit consisting of the counties of Cass and Johnson. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

3. Notwithstanding the provisions of subsection 2 of section 478.320 to the contrary which provide that the number of associate circuit judge positions in a county shall be adjusted only after population estimates for three consecutive years indicate population change in the county, based on the population of Cass County being between one hundred thousand and two hundred thousand inhabitants in 2004, there shall be a third associate circuit judge in Cass County. The third associate circuit judge shall be appointed by the governor and shall take office on January 1, 2005 and shall be elected in 2006."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 24** was withdrawn.

Senator Bartle offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 16, Section 64.825, Line 28, by inserting after all of said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the

unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to

bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds**, rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of** rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and

appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments."; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Callahan offered **SA 1** to **SA 25**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 25

Amend Senate Amendment No. 25 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Pages 2-7, Section 64.940, by striking said section from the amendment.

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

SA 25, as amended, was again taken up.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 126, Section 644.032, Line 18 of said page, by inserting immediately after said line the following:

"701.304. 1. A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, may conduct an inspection or a risk assessment at a dwelling or a child-occupied facility for the purpose of ascertaining the existence of a lead hazard under the following conditions:

(1) The department, owner of the dwelling, and an adult occupant of a dwelling which is rented or leased have been notified that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule; and

(2) The inspection or risk assessment occurs at a reasonable time; and

(3) The representative of the department or local government presents appropriate credentials to the owner or occupant; and

(4) Either the dwelling's owner or adult occupant or the child-occupied facility's owner or agent grants consent to enter the premises to conduct an inspection or risk assessment; or

(5) If consent to enter is not granted, the representative of the department, local government, or local health department may petition the circuit court for an order to enter the premises and conduct an inspection or risk assessment after notifying the dwelling's owner or adult occupant in writing of the time and purpose of the inspection or risk assessment at least forty-eight hours in advance. The court shall grant the order upon a showing that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule.

2. In conducting such an inspection or risk assessment, a representative of the department, or representative of a unit of local government or health department licensed by the department for this purpose, may remove samples necessary for

laboratory analysis in the determination of the presence of a lead-bearing substance or lead hazard in the designated dwelling or child-occupied facility.

3. The director shall assess fees for licenses and accreditation **and levy fines** in accordance with rules promulgated pursuant to sections 701.300 to [701.330] **701.338**. All such fees **and fines** shall be deposited into the state treasury to the credit of the public health services fund established in section 192.900, RSMo.

4. In commercial lead production areas, if the department identifies lead hazards due to paint, mini-blinds, or other household products/sources in a property where a child has been identified with an EBL, the owner shall comply with the requirement for abating or establishing interim controls for the above stated hazards, in a manner consistent with the recommendations described by the department and within the applicable time period. Residential property owners in commercial lead production areas shall not be fined pursuant to this section after compliance with the requirement for abating or establishing interim controls established by the department per the initial risk assessment, or made to pay for any type of lead remediation necessary due to the commercial lead production and transport unless the commercial lead production or transport company, or their subsidiaries, agents, or successors owns the property.

701.305. The department of health and senior services shall provide on its Internet website educational information that explain the rights and responsibilities of the property owner and tenants of a dwelling and the lead inspectors, risk assessors, and the lead abatement contractors.

701.308. 1. Upon receipt of written notification of the presence of a lead hazard, the owner shall comply with the requirement for abating or establishing interim controls for the lead hazard in a manner consistent with the recommendations described by the department and within the applicable time period. If the dwelling or child-occupied facility is a rental or leased property, the owner may remove it from the rental market.

2. Except as provided in subsection 1 of this section, no tenant shall be evicted because an individual with an elevated blood lead level or with suspected lead poisoning resides in the dwelling, or because of any action required of the dwelling owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not operate to prevent the owner of any such dwelling from evicting a tenant for any other reason as provided by law.

3. No child shall be denied attendance at a child-occupied facility because of an elevated blood lead level or suspected lead poisoning or because of any action required of the facility owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not prevent the owner or agent of any such child-occupied facility from denying attendance for any other reason allowed by law.

4. A representative of the department, or a representative of a unit of local government or health department licensed by the department for this purpose, is authorized to re-enter a dwelling or child-occupied facility to determine if the required actions have been taken that will result in the reduction of lead hazards. If consent to enter is not granted, the representative of the department, local government, or local health department may petition the court for an order to enter the premises. The court shall grant the order upon a showing that the representative of the department, local government, or local health department has attempted to notify the dwelling's owner or adult occupant in writing of the time and purpose of the re-entry at least forty-eight hours in advance.

5. [Whenever] Upon re-entry, if the department[, or a representative of a unit of local government[, or local health department licensed by the department for this purpose, finds[, after providing written notification to the owner,] that the owner has not taken the required actions which [will result] have resulted in the reduction of [a] lead [hazard in a dwelling or child-occupied facility have not been taken] hazards, the owner shall be deemed to be in violation of sections 701.300 to 701.338. Such violation shall not by itself create a cause of action. The department or the local government or local health department shall:

(1) Notify in writing the owner found to be causing, allowing or permitting the violation to take place; and

(2) Order that the owner of the dwelling or child-occupied facility shall cease and abate causing, allowing or permitting

the violation and shall take such action as is necessary to comply with this section and the rules promulgated pursuant to this section.

[5.] **6.** If [no action is taken pursuant to subsection 4 of this section which would result in abatement or interim control of the lead hazard within the stated time period], **upon re-entry, the lead hazard has not been reduced**, the following steps may be taken:

(1) The local health officer and local building officials may, as practical, use such community or other resources as are available to effect the relocation of the individuals who occupied the affected dwelling or child-occupied facility until the owner complies with the notice; or

(2) The department[, **or** representative of a unit of local government or health department licensed by the department for this purpose, [shall] **may** report any violation of sections 701.300 to 701.338 to the prosecuting attorney of the county in which the dwelling or child-occupied facility is located and notify the owner that such a report has been made. The prosecuting attorney shall seek injunctive relief to ensure that the lead hazard is abated or that interim controls are established.

7. In addition to the injunctive relief provided in subdivision (2) of subsection 6 of this section, the court may impose a fine against the owner of the dwelling or child-occupied facility found to be in violation of any provision of sections 701.300 to 701.338. The amount of such fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed ten thousand dollars. The fine shall not be less than five thousand dollars if said owner has failed to reduce identified lead hazards upon a showing that:

(1) Said property owner has been notified that an occupant or child less than six years of age dwelling in his property has an elevated blood lead level pursuant to section 701.306;

(2) That re-entry by the department under subsection 5 of this section revealed that the required actions to reduce the lead hazards were not taken; and

(3) Another occupant or child less than six years of age dwelling in his property is identified with an elevated blood lead level.

701.309. 1. At least ten days prior to the onset of a lead abatement project, the lead abatement contractor conducting such an abatement project shall:

(1) Submit to the department a written notification as prescribed by the department; and

(2) Pay a notification fee of twenty-five dollars.

2. In addition to the specified penalties in section 701.320, failure to notify the department prior to the onset of a lead abatement project shall result in a fine levied by the department of one thousand dollars imposed against the lead abatement contractor for the first identified offense, two thousand dollars for the second identified offense, and thereafter, fines shall be doubled for each identified offense.

3. The lead abatement contractor shall inform the owners and tenants of a dwelling that information regarding potential lead hazards can be accessed on the department's Internet website.

4. If the lead abatement contractor is unable to comply with the requirements of subsection 1 of this section because of an emergency situation as defined by rule, the contractor shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the project; and

(2) Submit the written notification and notification fee prescribed in subsection 1 of this section to the department no more than five days after the onset of the project.

5. Upon completion of the abatement, the lead abatement contractor shall submit to the department written notification and the final clearance inspection report.

701.311. 1. Any authorized representative of the department who presents appropriate credentials may, at all reasonable times, enter public or private property to conduct compliance inspections of lead abatement contractors as may be necessary to implement the provisions of sections 701.300 to 701.338 and any rules promulgated pursuant to sections 701.300 to 701.338.

2. It is unlawful for any person to refuse entry or access requested for inspecting or determining compliance with sections 701.300 to 701.338. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction for the purpose of enabling such inspections.

3. Whenever the director determines through a compliance inspection that there are reasonable grounds to believe that there has been a violation of any provision of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, the director shall give notice of such alleged violation to the owner or person responsible, as provided in this section. The notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for the issuance of the notice;

(3) Allow reasonable time as determined by the director for the performance of any act the notice requires;

(4) Be served upon the property owner or person responsible as the case may require, provided that such notice shall be deemed to have been properly served upon such person when a copy of such notice has been sent by registered or certified mail to the person's last known address as listed in the local property tax records concerning such property, or when such person has been served with such notice by any other method authorized by law;

(5) Contain an outline of corrective action which is required to effect compliance with sections 701.300 to 701.338 and the rules promulgated pursuant to sections 701.300 to 701.338.

4. In the event the department is required to revisit an abatement project, either because a contractor is not present for the notification visit referenced in section 701.309 or because the contractor is found in violation of a provision of sections 701.300 to 701.338 or any regulation promulgated thereunder, the lead abatement contractor shall pay a fee of one hundred and fifty dollars per re-visit.

5. If an owner or person files a written request for a hearing within ten days of the date of receipt of a notice, a hearing shall be held within thirty days from the date of receipt of the notice before the director or the director's designee to review the appropriateness of the corrective action. The director shall issue a written decision within thirty days of the date of the hearing. Any final decision of the director may be appealed to the administrative hearing commission as provided in chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed as provided in sections 536.100 to 536.140, RSMo.

[5.] **6.** The attorney general or the prosecuting attorney of the county in which any violation of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, occurred shall, at the request of the city, county or department, institute appropriate proceedings for correction.

[6.] **7.** When the department determines that an emergency exists which requires immediate action to protect the health and welfare of the public, the department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the director by the local prosecuting attorney or the attorney general. For the purposes of this subsection, an "emergency" means any set of circumstances that constitutes an imminent health hazard or the threat of an imminent health hazard.

8. In addition to any other penalty provided by law, the department may assess a fine in a maximum amount

not to exceed one thousand dollars for the first violation and five thousand dollars for each subsequent violation against any inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or contractor licensed by the department who violates a provision of sections 701.300 to 701.338, or any rule promulgated thereunder. In the cases of a continuing violation, every day such violation continues shall be deemed a separate violation.

701.312. 1. The director of the department of health and senior services shall develop a program to license lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to issue, restrict, suspend, revoke, deny and reissue licenses;
- (2) The ability to enter into reciprocity agreements with other states that have similar licensing provisions;
- (3) Fees for any such licenses;
- (4) Training, education and experience requirements; and
- (5) The implementation of work practice standards, reporting requirements and licensing standards.

2. [The director shall issue temporary risk assessor licenses to persons who, as of August 28, 1998, are licensed by the department as lead inspectors. The temporary risk assessor licenses issued pursuant to this subsection shall expire upon the same date as the expiration date of such person's lead inspector license. The director shall set forth standards and conditions under which temporary risk assessor licenses shall be issued.] **The director shall require, as a condition of licensure, lead abatement contractors to purchase and maintain liability insurance. The director shall require a licensee or an applicant for licensure to provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities of which the licensee or applicant may be liable. The licensee or applicant may provide proof of liability insurance in an amount to be determined by the director which shall not be less than three hundred thousand dollars.**

701.313. 1. Any local community organization, government agency, or quasi-government agency issuing grants or loans for lead abatement projects must provide written notification to the department no later than ten days prior to the onset of a lead abatement project. The written notification shall include, but not be limited to, the name of the lead abatement contractor, the address of the property on which the lead abatement project shall be conducted, and the date on which the lead abatement project will be conducted.

2. If the local community organization, government agency, or quasi-government agency fails to provide written notification for each property pursuant to subsection 1 of this section, a fine of two hundred fifty dollars shall be levied by the department.

3. If the local community organization, government agency, or quasi-government agency is unable to comply with the requirements in subsection 1 of this section due to an emergency situation, as defined by the department, the local community organization, government agency, or quasi-government agency shall:

- (1) Notify the department by other means of communication within twenty-four hours of the onset of the lead abatement project; and**
- (2) Provide written notification to the department no later than five days after the onset of the lead abatement project.**

701.320. 1. Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

2. Any subsequent violation of the provisions of sections 701.308, 701.309, 701.310, 701.311, and 701.316 is a class D felony.

701.336. 1. The department of health and senior services shall cooperate with the federal government in implementing subsections (d) and (e) of 15 U.S.C. 2685 to establish public education activities and an information clearinghouse regarding childhood lead poisoning. The department may develop additional educational materials on lead hazards to children, lead poisoning prevention, lead poisoning screening, lead abatement and disposal, and on health hazards during abatement.

2. The department of health and senior services and the department of social services, in collaboration with related not-for-profit organizations, American Academy of Pediatrics, health maintenance organizations, and the Missouri consolidated health care plan, shall devise an educational strategy to increase the number of children who are tested for lead poisoning under the Medicaid program. The goal of the educational strategy is to have seventy-five percent of the children who receive Medicaid tested for lead poisoning by August 28, 2008. The educational strategy shall be implemented over a three-year period and shall be in accordance with all federal laws and regulations.

3. The division of family services, in collaboration with the department of health and senior services, shall regularly inform eligible clients of the availability and desirability of lead screening and treatment services, including those available through the early and periodic screening, diagnosis, and treatment (EPSDT) component of the Medicaid program.

4. The department of social services shall seek Medicaid waivers for the funding of lead prevention cleaning treatments and lead hazard reduction measures in the properties of Medicaid recipients. The department shall coordinate with the department of health and senior services to ensure that priority homes receive the appropriate funding and that risk assessments are conducted for the purpose of identifying lead hazards in properties.

701.342. 1. The department of health and senior services shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.

2. Every child six months through six years of age not residing or spending more than ten hours a week in geographic areas identified as high risk by the department shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall be tested using a blood sample.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

5. The department of social services, in collaboration with the department of health and senior services, shall ensure that all children six months through six years of age who are in foster care in geographic areas identified as high risk by the department are tested annually for lead poisoning. The costs of the testing shall be paid through the state Medicaid program. If a child who is in foster care and resides in a high risk area is not eligible for Medicaid, the costs of the testing shall be paid by the state.

6. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

[6.] 7. When the department is notified of a case of lead poisoning, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead-poisoned child."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 27**, which was read:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 83, Section 144.030, Line 27, by inserting immediately after the word "activities" the following: **"and all sales made by or to any organization that has been granted tax exempt status under section 501 (c) (3) of the United States Internal Revenue Code of 1986, as amended, in its tax-exempt and activities"**.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 122, Section 479.020, Line 2, by inserting immediately after said line the following:

"488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with the clerk of the court a surcharge in addition to all other deposits required by law or court rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be paid by the county or state or any city.

2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the circuit court. The circuit court in any circuit, except the circuit court in Jackson County, may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson County may change the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until further changed.

3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are paid by the county or state or any city.

4. In addition to any fee authorized by subsection 1 of this section, in any county of the first classification with more than ninety-three thousand eight hundred but less than ninety-three thousand nine hundred inhabitants, such county may impose an additional fee of ten dollars excluding cases concerning adoption and those in small claims court.

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges of the circuit court, en banc, of the county from which such surcharges were collected, or to such person as is designated by local circuit court rule as treasurer of said fund, and said fund shall be applied and expended under the direction and order of the judges of the circuit court, en banc, of any such county for the maintenance and upkeep of the law library maintained by the bar association in any such county, or such other law library in any such county as may be designated by the judges of the circuit court, en banc, of any such county; provided, that the judges of the circuit court, en banc, of any such county, and the officers of all courts of record of any such county, shall be entitled at all reasonable times to use the library to the support of which said funds are applied.

2. In any county [of the first classification without a charter form of government and with a population of at least two hundred thousand, such fund may also be applied and expended for also be applied and expended for courtroom

renovation and technology enhancement [in those counties], or for debt service on county bonds for such renovation or enhancement projects."; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 29**, which was read:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 101, Section 193.265, Line 19, by deleting all of said section through page 104, line 6; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Wheeler offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 74, Section 94.578, Line 6, by inserting immediately after all of said line the following:

"135.481. 1. (1) Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, or for a multiple unit condominium described in subdivision (2) of this subsection, shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) For the purposes of this section, a "**multiple unit condominium**" is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or

county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

8. Any taxpayer who has obtained approvals of multiple phase projects before December 31, 2004, and who incurs eligible costs for a new residence in an area described in subsection 2 of this section which is constructed on property subject to the industrial development provisions of sections 100.300 to 100.600 and which lies within an area with a city zoning classification of urban redevelopment district, may reallocate the tax credits within the phases in an amount not to exceed thirty-five percent of such costs up to seventy thousand dollars per residence in any ten-year period."; and further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 31**, which was read:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 795, 972, 1128 and 1161, Page 123, Section 537.550, Line 25, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**, as amended, be adopted, which motion prevailed.

Senator Childers moved that **SS** for **SCS** for

HCS for **HBs 795, 972, 1128 and 1161**, as amended, be read the 3rd time and finally passed.

Senator Childers was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 1221 and 1305** to the Committee on Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder referred **SCR 49** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Shields moved that **SCS** for **SB 1160**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 1160**, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1160

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program, with penalty provisions.

Was taken up.

Senator Shields moved that **HS** for **HCS** for **SCS** for **SB 1160** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	Stoll--2		

On motion of Senator Shields, **HS** for **HCS** for **SCS** for **SB 1160** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland	Stoll--2		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klindt moved that **SS** for **SCS** for **SBs 740, 886 and 1178**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Gross assumed the Chair.

HCS for **SS** for **SCS** for **SBs 740, 886 and 1178**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 740, 886 and 1178

An Act to repeal sections 148.330, 263.534, 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, 348.406, 348.410, 348.412, 348.430, and 348.432, RSMo, and to enact in lieu thereof eleven new sections relating to agriculture programs.

Was taken up.

Senator Klindt moved that **HCS** for **SS** for **SCS** for **SBs 740, 886 and 1178**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senators			
Bland		Stoll--2	

On motion of Senator Klindt, **HCS** for **SS** for **SCS** for **SBs 740, 886 and 1178**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators
Stoll--2

Bland

Senator Bartle assumed the Chair.

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Childers moved that **SCS** for **HBs 1071, 801, 1275** and **989** be called from the Consent Calendar and again taken up for 3rd reading and final passage.

On motion of Senator Childers, **SCS** for **HBs 1071, 801, 1275** and **989** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators			
Bland	Dougherty	Stoll--3	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Shields	Steelman	Vogel	Wheeler
Yeckel--29			

	NAYS--Senators--None	
	Absent--Senators	
Quick	Scott--2	
	Absent with leave--Senators	
Bland	Dougherty	Stoll--3

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 938, with **SCS**, introduced by Representative Luetkemeyer, entitled:

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts.

Was called from the Consent Calendar and taken up by Senator Loudon.

SCS for **HB 938**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 938

An Act to repeal section 376.671, RSMo, and to enact in lieu thereof two new sections relating to annuity contracts, with an expiration date and an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **HB 938** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HB 938** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senator Klindt--1		
	Absent with leave--Senators		
Bland	Dougherty	Russell	Stoll--4

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Bland		Goode	Russell
			Stoll--4

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1290**, with **SCS**, introduced by Representative Portwood, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to certain nonprofit organizations with a health-related mission.

Was called from the Consent Calendar and taken up by Senator Steelman.

SCS for **HS** for **HCS** for **HB 1290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1290

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to contributions to certain nonprofit organizations with the cure of a chronic illness as its primary purpose.

Was taken up.

Senator Steelman moved that **SCS** for **HS** for **HCS** for **HB 1290** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HS** for **HCS** for **HB 1290** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		

Absent--Senators--None

Absent with leave--Senators

Bland

Goode

Russell

Stoll--4

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Yeckel moved that **SCR 44** be taken up for adoption, which motion prevailed.

On motion of Senator Yeckel, **SCR 44** was adopted by the following vote:

YEAS--Senators

Bartle

Bray

Callahan

Caskey

Cauthorn

Champion

Childers

Clemens

Coleman

Days

Dolan

Foster

Gibbons

Griesheimer

Gross

Jacob

Kennedy

Kinder

Klindt

Loudon

Mathewson

Nodler

Quick

Scott

Shields

Steelman

Vogel

Wheeler

Yeckel--29

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bland

Dougherty

Goode

Russell

Stoll--5

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives, through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1021**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1109**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to wearing protective

headgear while operating a motorcycle or motortricycle, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1339**, entitled:

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion information, regulations, and services for minors, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1599**, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to a joint committee on waste, fraud, and abuse.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1150**, entitled:

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-two new sections relating to ethics, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 1836, regarding the late Claude "Fiddler" Williams, which was adopted.

Senator Bland offered Senate Resolution No. 1837, regarding Cheryl Brown Henderson and the staff of the Jackson County Chapter of the Links, Incorporated, which was adopted.

Senator Bland offered Senate Resolution No. 1838, regarding the Bruce R. Watkins Cultural Heritage Center and Museum, which was adopted.

Senator Scott offered Senate Resolution No. 1839, regarding the City of Stockton, which was adopted.

Senator Shields offered Senate Resolution No. 1840, regarding Adam S. Kerner, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1841, regarding Franklin R. Jarrett, St. Joseph, which was adopted.

Senator Shields offered Senate Resolution No. 1842, regarding Matthew Scott Insko, St. Joseph, which was adopted.

Senator Foster offered Senate Resolution No. 1843, regarding the Ninetieth Birthday of Helen Summers, Bernie, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, thirty-two eighth grade students from St. Lawrence the Martyr Catholic School, Bridgeton; and Megan Kramer, Michele Yates, Jonathan Compton and Patrick Kreitler were made honorary pages.

Senator Wheeler introduced to the Senate, Girl Scout Troop 5660 from St. Peter's Catholic School, Kansas City; and Julia Knight, Marissa Naggi, Montaya Jones, Maggie Bradford, Haley Fosnough-Biersmith, Katie McCalla, Katie Pautler, Helen Stanley, Sarah Schulte, Claire McDonald, Maura Porter, Ashley Rard, Dagney Heinsohn, Molly O'Boyle, Margaret Haake, Brittany Green, Christine Jonte, Samantha Cusumano and Lena Johnson were made honorary pages.

Senator Kinder introduced to the Senate, Joe and Lelia Fix, Sikeston and Becky Fix, Springfield.

Senator Griesheimer introduced to the Senate, the Physician of the Day, Dr. Todd Craig, M.D. and his wife, Brenda, Washington.

Senator Kinder introduced to the Senate, sixty fourth grade students and adults from Clippard Elementary School, Cape Girardeau.

Senator Cauthorn introduced to the Senate, Dwight and Judy Hart, and Dennis Brawner, Adair County.

Senator Russell introduced to the Senate, G.T. Carr and his daughter, Allison, Lebanon; and Allison was made an honorary page.

Senator Klindt introduced to the Senate, twenty-one eighth grade students from Nodaway-Holt R-VII School.

Senator Shields introduced to the Senate, students from Truman Middle School, St. Joseph.

Senator Shields introduced to the Senate, his son, Brice, St. Joseph.

Senator Loudon introduced to the Senate, students from Claymont Elementary School, St. Louis County.

On motion of Senator Gibbons, the Senate adjourned until 12:30 p.m., Monday, May 3, 2004. SENATE CALENDAR

SIXTY-THIRD DAY-MONDAY, MAY 3, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 1021-Bearden

HB 1109-Crawford, et al

HS for HB 1339-Cunningham (86)

HS for HB 1599-Ervin

HS for HCS for HB 1150-May

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-

Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HCS for HB 978-Baker

(Yeckel) (In Fiscal Oversight)

2. HCS for HB 959, with SCS (Yeckel)

3. HB 1493-Emery, et al, with SCS (Steelman)

4. HCS for HB 1288, with SCS

(Griesheimer)

5. HCS for HB 1040 & HCS for HB 1041,

with SCS (Nodler) (In Fiscal

Oversight)

6. HS for HCS for HBs 1268 & 1211-

Smith (118), with SCS (Loudon)

(In Fiscal Oversight)

7. HCS for HB 1177, with SCS

(Cauthorn)

8. HCS for HB 980 (Klindt)

9. HCS for HB 1115 (Gross)

10. HCS for HBs 998 & 905 (Griesheimer)

11. HCS for HB 833, with SCS (Vogel)

12. HCS for HB 898, with SCS (Shields)

13. HCS for HBs 946, 1106 & 952, with

SCS (Dolan)

14. HS for HB 1487-Self (Scott)

15. HCS for HB 1055 (Vogel) (In Fiscal

Oversight)

16. HCS for HB 1215, with SCS (Bartle)

17. HS for HCS for HB 1207-Icet

18. HS for HB 1193-Self, with SCS

(Loudon)

19. HCS for HB 1278, with SCS (Loudon)

20. HCS for HB 1209 (Kinder)

21. HCS for HBs 1074 & 1129,

with SCS (Kinder)

22. HCS for HB 1439 (Dolan)

23. HCS for HB 1617

24. HB 1664-Hanaway, et al (Bartle)

25. HS for HCS for HB 1511-Byrd

26. HS for HCS for HB 1453-Hanaway,

with SCS (Shields)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for

SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 817-Kennedy and Griesheimer, with

SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for

SA 2 (pending)

SB 906-Foster, with SCS, SS for SCS &
SA 2 (pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross
and Griesheimer, with SCS, SS for
SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with
SCS, SS for SCS, SA 4 & point of
order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,
with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

SS for SCS for HCS for HBs 795, 972,

1128 & 1161 (Childers) (In Fiscal Oversight)

HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 1182, with SCS (Klindt)

SCS for HCS for HB 1305 (Scott) (In

Fiscal Oversight)

HS for HCS for HB 1566-Stefanick, with

SCS, SS for SCS, SS for SS for SCS,

SA 1 & SSA 1 for SA 1 (pending) (Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 822-Luetkemeyer, et al, with SCS
(Vogel)

HB 1187-Ervin, et al (Quick)

HCS for HB 1321, with SCS (Klindt)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HCS for HB 1456 & HB 824, with SCS (Foster)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1136, with SCS (Dolan)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS

(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

(In Fiscal Oversight)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)

HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &

HB 1489-Dusenberger, et al, with SCS (Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS (Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS
for HCS, as amended

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

HS for HCS for HB 1002-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1003-Bearden, with

SCS (Russell)

HS for HCS for HB 1004-Bearden, with

SCS (Russell)

HS for HCS for HB 1005-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1006-Bearden, with

SCS (Russell)

HS for HCS for HB 1007-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1008-Bearden, with

SCS (Russell)

HS for HCS for HB 1009-Bearden, with

SCS (Russell)

HS for HCS for HB 1010-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1011-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with

SCS, as amended (Russell)

RESOLUTIONS

Reported from Committee

SCR 45-Dougherty

SCR 46-Gross

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY--MONDAY, MAY 3, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

"Thus far the Lord has helped us." (I Samuel 7:12b)

Thus far You have helped us almighty God and we are grateful for Your guidance. We pray, continue to bless and lead us as we enter these last two weeks of deliberations and action. And Lord make us mindful of our obligations to seek justice and do good in all that we do here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 29, 2004, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1844, regarding Feldewerth-Thebeau, Inc., St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1845, regarding Quilogy, Inc., St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1846, regarding Wiegmann Associates, St. Charles, which was adopted.

Senator Mathewson offered Senate Resolution No. 1847, regarding Jack L. Osborn, Sedalia, which was adopted.

Senator Bland offered Senate Resolution No. 1848, regarding the late Joanne Kay Stone and the Joanne Stone Lupus Assistance Fund, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1849, regarding Seth Thomas "Tommy" Johnsen, Kearney, which was adopted.

Senator Bland offered Senate Resolution No. 1850, regarding Dr. Nabih I. Abdou, Ph.D., Prairie Village, Kansas, which was adopted.

Senator Quick offered Senate Resolution No. 1851, regarding James Parker Southworth, Kearney, which was adopted.

Senator Bray offered Senate Resolution No. 1852, regarding Traci E. Daffer, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey N. Davis, Republican, 1010 El Dorado Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Public Service Commission, for a term ending May 5, 2006, and until his successor is duly appointed and qualified; vice, Kelvin Simmons, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen M. Graves, Republican, 12518 Lakeland Drive, St. Joseph, Andrew County, Missouri 64506, as a member of the Tourism Commission, for a

term ending January 15, 2007, and until her successor is duly appointed and qualified; vice, Peter Brown, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Shirley Langley Hindman, Ph.D., Democrat, 2045 Highway F, Harviell, Butler County, Missouri 63945, as a member of the State Board of Education, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, Patt A. Sharp, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen B. Hoven, Republican, 645 Huntley Heights, Manchester, St. Louis County, Missouri 63021, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2008, and until his successor is duly appointed and qualified; vice, Robert

Bell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Penny V. Hubbard, Democrat, 1025 N. 16th Street, St. Louis City, Missouri 63106, as a member of the Board of Probation and Parole, for a term ending April 3, 2010, and until her successor is duly appointed and qualified; vice, Darrel Ashlock, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diane Janice Seif, 4341 NE Maplegate Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas L. Slaight, 4361 East Berkeley St., Springfield, Greene County, Missouri 65809, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON THIRD READING

HB 822, with **SCS**, introduced by Representative Luetkemeyer, et al, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

Was called from the Consent Calendar and taken up by Senator Vogel.

SCS for **HB 822**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 822

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to amateur radio antenna regulations.

Was taken up.

Senator Vogel moved that **SCS** for **HB 822** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **HB 822** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode

Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senator Jacob-- 1
Absent--Senator Dolan-- 1
Absent with leave--Senators

Bland	Champion	Coleman--3
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The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1321**, with **SCS**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to neighborhood improvement districts.

Was called from the Consent Calendar and taken up by Senator Klindt.

SCS for **HCS** for **HB 1321**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1321

An Act to repeal sections 67.457 and 67.469, RSMo, and to enact in lieu thereof three new sections relating to neighborhood improvement districts.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 1321** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HCS** for **HB 1321** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1456** and **HB 824**, introduced by Representative Seigfreid, with **SCS**, entitled respectively:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to transient guest taxes.

An Act to repeal section 94.834, RSMo, and to enact in lieu thereof one new section relating to municipal transient guest taxes.

Were called from the Consent Calendar and taken up by Senator Foster.

SCS for **HCS** for **HB 1456** and **HB 824**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1456

AND HOUSE BILL NO. 824

An Act to repeal section 94.834, RSMo, and to enact in lieu thereof two new sections relating to transient guest taxes.

Was taken up.

Senator Foster moved that **SCS** for **HCS** for **HB 1456** and **HB 824** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HCS** for **HB 1456** and **HB 824** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Goode	Quick--3	
	Absent with leave--Senators		
Bland	Champion--2		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1136**, with **SCS**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto six new sections relating to the disposition of fetal remains act.

Was called from the Consent Calendar and taken up by Senator Dolan.

SCS for **HCS** for **HB 1136**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1136

An Act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof eight new sections relating to miscarriages and stillbirths.

Was taken up.

Senator Dolan moved that **SCS** for **HCS** for **HB 1136** be adopted.

Senator Childers assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bray	Callahan	Caskey	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
Absent--Senators			
Bartle	Coleman	Quick--3	
Absent with leave--Senators			
Bland	Cauthorn	Champion--3	

Senator Dolan moved that **SCS** for **HCS** for **HB 1136** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **HCS** for **HB 1136** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Childers	Clemens	Days
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy

Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

	NAYS--Senators--None	
	Absent--Senators	
Coleman	Dougherty	Quick--3
	Absent with leave--Senators	
Cauthorn	Champion--2	

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell requested unanimous consent of the Senate for the Senate conferees on **SCS** for **HS** for **HCS** for **HBs 1002** through **1012** to be allowed to meet while the Senate is in session, which request was granted.

HCS for **HB 959**, with **SCS**, entitled:

An Act to repeal sections 33.103, 166.435, 408.032, 408.140, 408.190, 408.232, 432.045, 443.130, and 575.120, RSMo, and to enact in lieu thereof twenty-seven new sections relating to banking, with penalty provisions.

Was taken up by Senator Yeckel.

SCS for **HCS** for **HB 959**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 959An Act to repeal sections 33.103, 166.415, 166.435, 408.032, 408.140, 408.190, 408.232, 443.130, 506.290, and 541.033, RSMo, and sections 570.223 and 570.224 as truly agreed to and finally passed by the second regular session of the ninety-second general assembly in senate committee substitute for house bill no. 916, and to enact in lieu thereof thirty-two new sections relating to banking, with penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS** for **HCS** for **HB 959** be adopted.

Senator Bartle assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 27, Section 1, Line 8, by inserting immediately after the word "rate" the following: "**, provided that no more than twenty percent of the debt of the public entity to be outstanding on the day after the issuance of any variable rate debt shall be variable rate debt**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 23, Section 506.290, Line 17, by inserting after all of said line the following:

"513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed [one] **three** thousand dollars in value in the aggregate;

(2) **A wedding ring not to exceed one thousand five hundred dollars in value and other** jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value [four] **six** hundred dollars in the aggregate;

(4) Any implements, professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed [two] **three** thousand dollars in value in the aggregate;

(5) Any motor vehicle **in the aggregate**, not to exceed [one] **three** thousand dollars in value;

(6) Any mobile home used as the principal residence **but not on or attached to real property in which the debtor has a fee interest**, not to exceed [one] **five** thousand dollars in value;

(7) Any one or more unmaturred life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmaturred life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a local public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed [five] **seven** hundred **fifty** dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, RSMo, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan or profit-sharing plan that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in section 456.630, RSMo, and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from execution, any other property, real, personal or mixed, or debts and wages, not exceeding in value the amount of [eight hundred fifty dollars plus two hundred] **one thousand two hundred fifty dollars plus three hundred** fifty dollars for each of such person's unmarried dependent children under the age of eighteen years **or dependent as defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the Social Security Administration**, except ten percent of any debt, income, salary or wages due such head of a family."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 959, Page 6, Section 166.435, Line 1, by deleting said section and amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS** for **HCS** for **HB 959**, as amended, be adopted, which motion prevailed.

Senator Yeckel moved that **SCS** for **HCS** for **HB 959**, as amended, be read the 3rd time and finally passed.

Senator Yeckel was recognized to close.

At the request of Senator Yeckel, **SCS** for **HCS** for **HB 959**, as amended, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1614**; **HCS** for **HB 1055**; **SCS** for **HCS** for **HB 1305**; **HS** for **HCS** for **HB 978**; **HS** for **HCS** for **HBs 1268** and **1211**, with **SCS**; **HCS** for **HB 1040** and **HCS** for **HB 1041**, with **SCS**; and **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Childers moved that **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **SCS** for **HCS** for **HB 1305**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 1305**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senator Loudon--1			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Yeckel moved that **SCS** for **HCS** for **HB 959**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem Kinder referred **SCS** for **HCS** for **HB 959**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 1278**, with **SCS**; and **HS** for **HCS** for **HB 1453**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HCS for **HB 1182**, with **SCS**, entitled:

An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Was called from the Informal Calendar and taken up by Senator Klindt.

SCS for **HCS** for **HB 1182**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1182An Act to repeal sections 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 1182** be adopted.

Senator Klindt offered **SS** for **SCS** for **HCS** for **HB 1182**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1182

An Act to repeal sections 148.330, 348.430,
and 348.432, RSMo, and to enact in lieu thereof three new sections relating to tax credits.

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182** be adopted.

Senator Wheeler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

"135.481. 1. (1) Any taxpayer who incurs eligible costs for a new residence located in a distressed community or within a census block group as described in subdivision (10) of section 135.478, or for a multiple unit condominium described in subdivision (2) of this subsection, shall receive a tax credit equal to fifteen percent of such costs against

his or her tax liability. The tax credit shall not exceed forty thousand dollars per new residence in any ten-year period.

(2) For the purposes of this section, a "multiple unit condominium" is one that is intended to be owner occupied, which is constructed on property subject to an industrial development contract as defined in section 100.310, RSMo, and which lies within an area with a city zoning classification of urban redevelopment district established after January 1, 2000, and before December 31, 2001, and which is constructed in connection with the qualified rehabilitation of a structure more than ninety years old eligible for the historic structures rehabilitation tax credit described in sections 253.545 to 253.559, RSMo, and is under way by January 1, 2000, and completed by January 1, 2002.

2. Any taxpayer who incurs eligible costs for a new residence located within a census block as described in subdivision (6) of section 135.478 shall receive a tax credit equal to fifteen percent of such costs against his or her tax liability. The tax credit shall not exceed twenty-five thousand dollars per new residence in any ten-year period.

3. Any taxpayer who is not performing substantial rehabilitation and who incurs eligible costs for rehabilitation of an eligible residence or a qualifying residence shall receive a tax credit equal to twenty-five percent of such costs against his or her tax liability. The minimum eligible costs for rehabilitation of an eligible residence shall be ten thousand dollars. The minimum eligible costs for rehabilitation of a qualifying residence shall be five thousand dollars. The tax credit shall not exceed twenty-five thousand dollars in any ten-year period.

4. Any taxpayer who incurs eligible costs for substantial rehabilitation of a qualifying residence shall receive a tax credit equal to thirty-five percent of such costs against his or her tax liability. The minimum eligible costs for substantial rehabilitation of a qualifying residence shall be ten thousand dollars. The tax credit shall not exceed seventy thousand dollars in any ten-year period.

5. A taxpayer shall be eligible to receive tax credits for new construction or rehabilitation pursuant to only one subsection of this section.

6. No tax credit shall be issued pursuant to this section for any structure which is in violation of any municipal or county property, maintenance or zoning code.

7. No tax credit shall be issued pursuant to sections 135.475 to 135.487 for the construction or rehabilitation of rental property.

8. Any taxpayer who has obtained approvals of multiple phase projects before December 31, 2004, and who incurs eligible costs for a new residence in an area described in subsection 2 of this section that is constructed on property subject to the industrial development provisions of sections 100.300 to 100.600 and that lies within an area with a city zoning classification of urban redevelopment district may reallocate the tax credits within the phases in an amount not to exceed thirty-five percent of such costs up to seventy thousand dollars per residence in any ten-year period."; and

Further amend the title and enacting clause accordingly.

Senator Wheeler moved that the above amendment be adopted.

Senator Kennedy raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Wheeler moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"135.562. 1. This section shall be known and may be cited as the "Accessible Home Tax Credit Program".

2. As used in this section, the following terms mean:

- (1) "Department", the department of revenue;**
- (2) "Director", the director of the department of revenue;**
- (3) "Disability", a physical impairment which substantially limits one or more of a person's major life activities;**
- (4) "Tax liability", the tax due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo; and**
- (5) "Taxpayer", any non-corporate taxpayer.**

3. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year and shall be subject to appropriation.

4. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per tax year. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year.

5. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars. The tax credits issued pursuant to this subsection will be on a first-come, first-served filing basis.

6. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;**
- (2) Widening exterior or interior doorways;**
- (3) Widening hallways;**
- (4) Installing handrails or grab bars;**
- (5) Moving electrical outlets and switches;**
- (6) Installing stairway lifts;**
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;**

(8) Modifying hardware of doors; or

(9) Modifying bathrooms.

7. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by one-third to the extent a taxpayer has already deducted such costs from such taxpayer's federal adjusted gross income or applied any other state or federal income tax credit to such costs.

8. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

9. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

10. The provisions of this section shall apply to all tax years beginning on or after January 1, 2005.

11. The provisions of this section shall expire December 31, 2010."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

"100.710. As used in sections 100.700 to 100.850, the following terms mean:

(1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;

(2) "Board", the Missouri development finance board as created by section 100.265;

(3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Economic development project":

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of this subdivision, "economic development project" shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) "Eligible employee", a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

(9) "Eligible industry", a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. "Eligible industry" does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, RSMo, **in the case of an approved company for a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, create a minimum of one hundred new jobs for eligible employees at the economic development project.** An industry that meets the definition of "essential industry" may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850;

(10) "Essential industry", a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs at the proposed economic development project site each year for a period of four years preceding the year in which application for the program authorized by sections 100.700 to 100.850

is made and during the year in which said application is made;

(d) For the duration of the certificates, retain at the proposed economic development project site the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made; and

(e) Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;

(11) "New job", a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;

(12) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

(13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those

100.850. 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed eleven million dollars annually. **If the approved company shall be a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, the aggregate amount of tax credits authorized by subsection 4 of this section shall be increased to eleven million nine hundred fifty thousand dollars annually.**

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceeds the amount of the approved company's income tax."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

(1) Lands and other property belonging to this state;

(2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place; [and]

(7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision;
and

(8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:

(a) The right of the interstate compact agency to use, control, and possess the property is terminated;

- (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and**
- (c) There is no provisions for reverter of the property within the limitation period for reverters.**

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately

in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in

manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs

which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, natural gas used in the primary manufacture or processing of fuel ethanol as defined in section 142.028, RSMo, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery and equipment" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon, and supplies and lubricants used exclusively, solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for producing milk for ultimate sale at retail and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or

master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All sales or other transfers of tangible personal property to a lessor, who leases the property under a lease of one year or longer executed or in effect at the time of the sale or other transfer, to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo.

144.615. There are specifically exempted from the taxes levied in sections 144.600 to 144.745:

(1) Property, the storage, use or consumption of which this state is prohibited from taxing pursuant to the constitution or laws of the United States or of this state;

- (2) Property, the gross receipts from the sale of which are required to be included in the measure of the tax imposed pursuant to the Missouri sales tax law;
- (3) Tangible personal property, the sale **or other transfer** of which, if made in this state, would be exempt from or not subject to the Missouri sales tax pursuant to the provisions of subsections 2 and 3 of section 144.030;
- (4) Motor vehicles, trailers, boats, and outboard motors subject to the tax imposed by section 144.440;
- (5) Tangible personal property which has been subjected to a tax by any other state in this respect to its sales or use; provided, if such tax is less than the tax imposed by sections 144.600 to 144.745, such property, if otherwise taxable, shall be subject to a tax equal to the difference between such tax and the tax imposed by sections 144.600 to 144.745;
- (6) Tangible personal property held by processors, retailers, importers, manufacturers, wholesalers, or jobbers solely for resale in the regular course of business;
- (7) Personal and household effects and farm machinery used while an individual was a bona fide resident of another state and who thereafter became a resident of this state, or tangible personal property brought into the state by a nonresident for his own storage, use or consumption while temporarily within the state."; and

Further amend page 12, 348.432, line 7, by inserting after all of said line, the following:

"Section B. Because immediate action is necessary to protect the economic welfare of the citizens of this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"144.530. As used in sections 144.530 to 144.563, the following terms shall mean:

- (1) "Controlled substance", any drug or substance, whether real or counterfeit, as defined in section 149.011 which is held, possessed, transported, transferred, sold, or offered to be sold in violation of state law, except that the term shall not include marijuana;**
- (2) "Dealer", any person who illegally manufactures, produces, ships, transports or imports into the state or in any manner acquires or possesses more than twenty-eight grams of marijuana, or more than one gram of any controlled substance, or ten or more dosage units of any controlled substance which is not sold by weight. A pharmacist licensed in this state who is lawfully performing duties within the scope of his or her license shall not be construed to be a dealer;**
- (3) "Director", the director of the department of revenue;**
- (4) "Domestic marijuana plant", any cannabis plant at any level of growth which is harvested or tended, manicured, irrigated, fertilized, or where there is other evidence that it has been treated in any other way in an effort to enhance growth;**
- (5) "Marijuana", any marijuana, whether real or counterfeit, as defined in section 149.011 which is held,**

possessed, transported, transferred, sold, or offered to be sold.

144.533. 1. There is hereby imposed a tax upon marijuana, domestic marijuana plants and controlled substances at the following rates:

- (1)** On each gram of marijuana, or each portion of a gram, three dollars and fifty cents;
- (2)** On each gram of a wet domestic marijuana plant, forty cents;
- (3)** On each gram of a dry domestic marijuana plant, ninety cents;
- (4)** On each gram of controlled substance, or portion of a gram, two hundred dollars; and
- (5)** On each fifty dosage units of a controlled substance that is not sold by weight, or portion thereof, two thousand dollars.

2. For the purpose of calculating such tax, an ounce of marijuana or other controlled substance is measured by the weight of the substance in the dealer's possession. The weight of the marijuana or controlled substance includes all material, mixture or preparation that is added to the marijuana or controlled substance.

144.536. 1. The director shall administer the collection of the tax imposed pursuant to section 144.533. All tax payments shall be made to the director, and shall be accompanied by a form devised and furnished by the director.

2. The director shall adopt a uniform system of providing, affixing and displaying official stamps, labels or other indicia for marijuana and controlled substances upon which a tax is imposed.

3. The director may promulgate rules and regulations necessary to administer and enforce the provisions of sections 144.530 to 144.563.

144.539. 1. No dealer may possess any marijuana, domestic marijuana plant, or controlled substance upon which a tax is imposed pursuant to section 144.533 unless the tax has been paid as evidenced by an official stamp or other indicia.

2. Official stamps, labels, or other indicia to be affixed to all marijuana, domestic marijuana plants, or controlled substances shall be purchased from the director. The purchaser shall pay one hundred percent of face value for each stamp, label, or other indicia at the time of purchase. Each such stamp, label, or other indicia shall only be valid for three months after its date of issuance. The director shall issue the stamps, labels, or other indicia in denominations in multiples of ten dollars. Any person may purchase any such stamp, label, or other indicia without disclosing such person's identity.

3. When a dealer purchases, acquires, transports, or imports into this state marijuana, domestic marijuana plants, or controlled substances on which a tax is imposed pursuant to section 144.533 and if the indicia evidencing the payment of the tax have not already been affixed, the dealer shall have them permanently affixed on the marijuana, domestic marijuana plant, or controlled substance immediately after receiving the substance. Each stamp or other official indicia may be used only once.

4. Taxes imposed upon marijuana, domestic marijuana plants, or controlled substances pursuant to the provisions of sections 144.530 to 144.563 are due and payable immediately upon acquisition or possession in this state by a dealer.

144.542. 1. At such time as the director shall determine that a dealer has not paid the tax as directed pursuant to section 144.539 the director may immediately assess a tax based on personal knowledge or information available to the director; mail to the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax, penalties, and interest; and demand its immediate payment. If payment is not

immediately made, because collection of every assessment made hereunder is presumed to be in jeopardy due to the nature of the commodity being taxed, the director may immediately collect the tax, penalties, and interest in any manner pursuant to section 144.563.

2. The taxpayer may appeal the assessment within fifteen days from the date of mailing of the notice or the date of personal service of the notice given pursuant to subsection 1 of this section, by requesting in writing a hearing by the director on the correctness of the assessment. The hearing shall be conducted in accordance with the provisions of chapter 536, RSMo. An appeal of the assessment shall not stay the collection of the assessment but shall stay the sale of real or personal property seized pursuant to section 144.563 until the director rules on the correctness of the assessment.

3. The tax, penalties, and interest assessed by the director are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the director with the court or any other certificate by the director of the amount of tax, penalties, and interest determined or assessed is admissible in evidence and constitutes prima facie evidence of the facts it contains.

4. In making an assessment pursuant to subsection 1 of this section, the director may consider a plea agreement or judicial determination made in any criminal case.

5. All taxes not paid to the director of revenue by the person required to remit the same on the date when the same becomes due and payable to the director of revenue shall bear interest at the rate determined by section 32.065, RSMo, from and after such date until paid.

144.545. Neither the director nor a public employee may reveal facts contained in a report or return required by sections 144.530 to 144.563. No information contained in such a report or return may be used against the dealer in any criminal proceeding unless independently obtained, except in connection with a proceeding involving taxes due pursuant to the provisions of sections 144.530 to 144.563 from the taxpayer making the return.

144.548. For the purpose of determining the correctness of any return, determining the amount of tax that should have been paid, determining whether or not the dealer should have made a return or paid taxes, or collecting any taxes pursuant to the provisions of sections 144.530 to 144.563, the director may examine, or cause to be examined, any books, papers, records, or memoranda, that may be relevant to making such determinations, whether the books, papers, records, or memoranda, are the property of or in the possession of the dealer or another person. The director may require the attendance of any person having knowledge or information that may be relevant, compel the production of books, papers, records, or memoranda by persons required to attend, take testimony on matters material to the determination, and administer oaths or affirmations. Upon demand of the director or any examiner or investigator, the court shall issue a subpoena for the attendance of a witness or the production of books, papers, records, or memoranda. The director may also issue subpoenas. Disobedience of subpoenas issued pursuant to the provisions of sections 144.530 to 144.563 is punishable by the circuit court of the county or city not within a county in which the subpoena is issued, or, if the subpoena is issued by the director, by the circuit court of the county or city not within a county in which the party served with the subpoena is located, in the same manner as contempt of court.

144.551. Any dealer violating the provisions of sections 144.530 to 144.563 is subject to a penalty of one hundred percent of the tax in addition to the tax imposed pursuant to section 144.533.

144.554. Nothing in sections 144.530 to 144.563 shall in any manner provide immunity for a dealer from criminal prosecution.

144.557. The director shall submit annually fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 to the state treasurer, who shall deposit one-half thereof in the MoSMART fund created pursuant to section 650.350, RSMo, and one-half thereof in the "controlled substances clean-up fund", created in section 640.040, RSMo, to be used to provide training and necessary supplies and equipment pursuant to law enforcement and fire department personnel and to assist in the clean-up and disposal of components of

controlled substances and administration thereof. The director shall remit annually the remaining fifty percent of all moneys received from the collection of taxes and from assessments of delinquent taxes and penalties imposed pursuant to the provisions of sections 144.530 to 144.563 as follows:

- (1) If the law enforcement agency which conducted the investigation is a county agency, the entire amount shall not be considered state funds and shall be deposited in the county treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or
- (2) If the law enforcement agency which conducted the investigation is a city agency, the entire amount shall not be considered state funds and shall be deposited in the city treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; or
- (3) If the law enforcement agency which conducted the investigation is a state agency, the entire amount shall be deposited in the state general revenue fund to be appropriated to the state agency for use in law enforcement purposes; or
- (4) If more than one law enforcement agency is substantially involved in the investigative process, the amount shall not be considered state funds and shall be distributed equally among the city, county and state law enforcement agencies involved and credited to the appropriate county and city special law enforcement trust funds and state law enforcement agency funds unless an alternate distribution is mutually agreed upon by the law enforcement agencies involved and submitted in writing to the director.

Funds received shall not be considered to be a source of revenue to meet normal operating expenses of law enforcement agencies.

144.563. 1. Whenever a taxpayer liable to pay any tax, penalty or interest assessed pursuant to section 144.542, refuses or neglects to immediately pay the amount due, the director may issue one or more warrants for the immediate collection of the amount due, directed to the chief law enforcement officer of any county or city not within a county commanding the chief law enforcement officer to seize and sell the real and personal property of the taxpayer found within the county or city not within a county to satisfy the amount specified on the warrant and the cost of executing the warrant. The director may also issue one or more warrants directed to any employee of the department of revenue commanding the employee to seize and sell the real and personal property of the taxpayer found anywhere within the state to satisfy the amount specified on the warrant and the cost of executing the warrant. A copy of the warrant shall also be mailed to the taxpayer at the taxpayer's last known address or served upon the taxpayer in person.

2. The chief law enforcement officer or department of revenue employee shall proceed to execute upon the warrant in the same manner as provided for distress warrants pursuant to sections 136.180 and 136.190, RSMo, except as otherwise provided in this section. In the execution of a warrant issued to a department of revenue employee, the employee shall have all of the powers conferred by law upon a chief law enforcement officer. Any law enforcement officer may assist in the execution of a warrant if requested to do so by a department of revenue employee.

3. No law exempting any goods and chattels, land and tenements from forced sale under execution shall apply to a seizure and sale under any warrant.

4. A third party holding funds or other personal property of the taxpayer shall immediately, or as soon thereafter as possible, after service of the warrant on such third party, deliver such funds or other personal property to the chief law enforcement officer or department of revenue employee, who shall then deliver such to the director or the director's designee for deposit toward the balance due on the taxpayer's assessment pursuant to section 136.110.

5. The chief law enforcement officer or department of revenue employee shall proceed to levy, collect, and sell such property in the manner pursuant to sections 136.200 to 136.230, RSMo.

6. The taxpayer shall have the right to redeem real property within a period of six months from the date of the sale.

7. The director shall have the right at any time to issue alias warrants until the full amount of the tax, penalty, and interest is collected."; and

Further amend said bill, Page 12, Section 348.432, Line 7, by inserting after all of said line the following:

"578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in [any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator or any container approved for anhydrous ammonia by the department of agriculture or the United States Department of Transportation] **a cylinder or other portable container that was not designed, fabricated, tested, constructed, marked and placarded in accordance with the United States Department of Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised as of October 1, 2002, which are herein incorporated by reference, and approved for the storage and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.**

2. Cylinder and other portable container valves and other fittings, or hoses attached thereto, used in anhydrous ammonia service shall be constructed of material resistant to anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005).

3. A violation of this section is a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Klindt, **HCS** for **HB 1182**, with **SCS** and **SS** for **SCS**, as amended, (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 1021**--Appropriations.

HB 1109--Transportation.

HS for **HB 1339**--Pensions and General Laws.

HS for **HB 1599**--Pensions and General Laws.

HS for **HCS** for **HB 1150**--Pensions and General Laws.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HBs 795, 972, 1128** and **1161** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 1305** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Childers moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended: Senators Childers, Griesheimer, Nodler, Mathewson and Caskey.

RESOLUTIONS

Senator Bartle offered Senate Resolution No. 1853, regarding Blue Springs High School, Blue Springs, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, Gary, Kathy, Hannah and Garrett VaLeu, Paul and Karyn Porter and Theodore Hamblin, Sullivan.

Senator Griesheimer introduced to the Senate, his wife, Rita, and Kathy Maune, Washington; Janet Bell, Union; and Nancy Bruder, Gerald.

Senator Clemens introduced to the Senate, Cole and Kevin Michael, Rogersville.

Senator Scott introduced to the Senate, former State Representative Gaylen Browning and his wife, Myrna, Neosho.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY-TUESDAY, MAY 4, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-

Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HCS for HB 978-Baker (Yeckel)
2. HB 1493-Emery, et al, with SCS (Steelman)
3. HCS for HB 1288, with SCS (Griesheimer)
4. HCS for HB 1040 & HCS for HB 1041,
with SCS (Nodler)
5. HS for HCS for HBs 1268 & 1211-
Smith (118), with SCS (Loudon)
6. HCS for HB 1177, with SCS (Cauthorn)
7. HCS for HB 980 (Klindt)
8. HCS for HB 1115 (Gross)
9. HCS for HBs 998 & 905 (Griesheimer)
10. HCS for HB 833, with SCS (Vogel)
11. HCS for HB 898, with SCS (Shields)
12. HCS for HBs 946, 1106 & 952, with

SCS (Dolan)

13. HS for HB 1487-Self (Scott)

14. HCS for HB 1055 (Vogel)

15. HCS for HB 1215, with SCS (Bartle)

16. HS for HCS for HB 1207-Icet (Loudon)

17. HS for HB 1193-Self, with SCS (Loudon)

18. HCS for HB 1278, with SCS (Loudon)

(In Fiscal Oversight)

19. HCS for HB 1209 (Kinder)

20. HCS for HBs 1074 & 1129, with SCS

(Kinder)

21. HCS for HB 1439 (Dolan)

22. HCS for HB 1617 (Bartle)

23. HB 1664-Hanaway, et al (Bartle)

24. HS for HCS for HB 1511-Byrd

25. HS for HCS for HB 1453-Hanaway,
with SCS (Shields) (In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for

SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 817-Kennedy and Griesheimer, with

SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for

SA 2 (pending)

SB 906-Foster, with SCS, SS for SCS &

SA 2 (pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS

(pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of

order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

SCS for HCS for HB 959 (Yeckel)

(In Fiscal Oversight)

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS & SS for SCS

(pending) (Klindt)

HS for HCS for HB 1566-Stefanick, with

SCS, SS for SCS, SS for SS for SCS,

SA 1 & SSA 1 for SA 1 (pending)

(Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 1187-Ervin, et al (Quick)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS
(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)

HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &
HB 1489-Dusenberger, et al, with SCS
(Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS (Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS
for HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended
HCS for HBs 795, 972, 1128 & 1161, with
SS for SCS, as amended (Childers)
HS for HCS for HB 1002-Bearden, with
SCS, as amended (Russell)
HS for HCS for HB 1003-Bearden, with
SCS (Russell)
HS for HCS for HB 1004-Bearden, with
SCS (Russell)
HS for HCS for HB 1005-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1006-Bearden, with

SCS (Russell)

HS for HCS for HB 1007-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1008-Bearden, with

SCS (Russell)

HS for HCS for HB 1009-Bearden, with

SCS (Russell)

HS for HCS for HB 1010-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1011-Bearden, with

SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with

SCS, as amended (Russell)

Requests to Recede or Grant Conference

HCS for HB 1305, with SCS,

as amended (Scott)

(House requests Senate recede

or grant conference)

RESOLUTIONS

Reported from Committee

SCR 45-Dougherty

SCR 46-Gross

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY--TUESDAY, MAY 4, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Our action, if it is truly to be a sharing in God's action, will flow from our inner being, who we are." (Jeanne Hinton)

Benevolent God, You who watch over us and prompt us to act, as You would have us act, make us mindful that the way we speak and the actions we take say a great deal about who we are as Your children. So we pray, help us to always do our very best from the smallest items on our agendas to the major bills we pass. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1854, regarding the Compton-Drew ILC Middle School Dolphins Bicycle Club, St. Louis, which was adopted.

Senator Mathewson offered Senate Resolution No. 1855, regarding Anna Marie Smith, which was adopted.

Senator Mathewson offered Senate Resolution No. 1856, regarding Melvin A. (Mel) Aytes, Lee's Summit, which was

adopted.

Senator Childers offered Senate Resolution No. 1857, regarding Brian Matthew Lee Martin, Springfield, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 1858, regarding Grace Harmon, St. Charles, which was adopted.

Senator Champion offered Senate Resolution No. 1859, regarding Joshua R. Babb, which was adopted.

Senator Bartle offered Senate Resolution No. 1860, regarding Stephen M. Daily, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 1861, regarding Jon Ellis, Lee's Summit, which was adopted.

Senator Stoll offered Senate Resolution No. 1862, regarding Melissa L. Blair, which was adopted.

Senator Dolan offered Senate Resolution No. 1863, regarding Matthew S. Drake, which was adopted.

Senator Dolan offered Senate Resolution No. 1864, regarding Michael Mayer, which was adopted.

Senator Jacob offered Senate Resolution No. 1865, regarding the 5000th episode of Pepper & Friends, KOMU-TV, Columbia, which was adopted.

Senator Yeckel offered Senate Resolution No. 1866, regarding the Reverend Richard Storey, St. Louis, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Cauthorn moved that **HS** for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage.

Senator Jacob requested a roll call vote be taken on Senator Cauthorn's motion and was joined in his request by Senators Callahan, Mathewson, Quick and Wheeler.

HS for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was brought before the body by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Gibbons	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel--18		
NAYS--Senators			
Bray	Callahan	Caskey	Coleman
Days	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll	Wheeler--14		
Absent--Senators			
Bland		Dolan--2	
Absent with leave--Senators--None			

SSA 1 for **SA 1** was again taken up.

Senator Loudon requested consent of the Senate to strike (3) of Section 208.213 from his amendment, which request was denied.

At the request of Senator Loudon, **SSA 1** for **SA 1** was withdrawn.

Senator Loudon offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1566, Pages 2-3, Section 208.212, by striking all of said section from the bill and inserting in lieu thereof the following:

"208.213. 1. For purposes of Medicaid eligibility, investment in annuities shall be limited to those annuities that:

(1) Are actuarially sound as measured against the Social Security Administration Life Expectancy Tables, as amended;

(2) Provide equal or nearly equal payments for the duration of the device and which exclude "balloon" style final payments; and

2. The department shall establish a thirty-six month look-back period to review any investment in an annuity by an applicant for Medicaid benefits. If an investment in an annuity is determined by the department to have been made in anticipation of obtaining or with an intent to obtain eligibility for Medicaid benefits, the department shall have available all remedies and sanctions permitted under federal and state law regarding such investment. The fact that an investment in an annuity which occurred prior to the effective date of this section does not meet the criteria established in subsection 1 of this section shall not automatically result in a disallowance of such investment. The department of social services shall promulgate rules that require applicants for medical assistance to state on their application whether they have purchased an annuity within thirty-six months of filing such application.

3. The department of social services shall promulgate rules to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Shields assumed the Chair.

At the request of Senator Cauthorn, **HS** for **HCS** for **HB 1566**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended. Representatives: Johnson (47), Angst, Brown, Wharton and Bringer.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended: Senators Childers, Greisheimer, Bartle, Mathewson and Caskey.

On motion of Senator Gibbons, the Senate recessed until 1:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 978**, entitled:

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

Was taken up by Senator Yeckel.

Senator Yeckel offered **SS** for **HS** for **HCS** for **HB 978**, entitled:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 978

An Act to repeal section 536.010, RSMo, and to enact in lieu thereof six new sections relating to small businesses.

Senator Yeckel moved that **SS** for **HS** for **HCS** for **HB 978** be adopted.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, Page 10, Section 536.325, Line 8, of said page, by inserting after all of said line the following:

"Section 1. 1. Effective one hundred eighty days from the effective date of this act, every liquefied petroleum gas supplier registered to do business in Missouri in accordance with section 323.060, RSMo, and every broker or wholesale supplier of propane to a residential, commercial, or agricultural end-user shall demonstrate the ability to respond in damages for personal injury or property damages. The minimum amount of financial responsibility shall be in the amount of one million dollars per occurrence with an annual aggregate of one million dollars.

2. A liquefied petroleum gas supplier may use either of the following mechanisms to demonstrate financial responsibility required in subsection 1 of this section:

(1) A liquefied petroleum gas supplier may elect to provide a signed affidavit in accordance with regulations promulgated by the department of agriculture certifying that such company has and will maintain financial responsibility during the period of registration. The affidavit shall state clearly: "Any false affidavit is a crime under section 575.050 of Missouri law.";

(2) A liquefied petroleum gas supplier may obtain liability insurance as an endorsement to an existing policy or as a separate policy from a qualified insurer or risk retention group. Each insurance policy shall be issued by an insurer or risk retention group that is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in one or more states. The supplier's certificate of insurance must be made available upon request by the department.

3. A liquefied petroleum gas supplier who is unable to demonstrate the level of financial responsibility required in subsections 1 or 2 of this section upon request of the department shall be prohibited from filling containers until such proof is provided and is acceptable to the department, except as hereby provided.

4. In the event a registered propane supplier is non-renewed by its insurance carrier, the supplier shall have a maximum of one hundred twenty days to secure suitable coverage in order to qualify to fill containers.

5. Propane suppliers registered in accordance with section 323.060, RSMo, and in compliance with the provisions of subsection 1 of this section shall not be held liable for damages in excess of the limits of this provision by any court action or jury decision rendered as long as this provision remains in effect."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, Page 1, Section A, Line 4, by inserting after all of said line the following:

"324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be [revoked] **suspended** within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. **The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied.** Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that SS for HS for HCS for HB 978, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, SS for HS for HCS for HB 978, as amended, was read the 3rd time and passed by the

following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland	Quick	Russell--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1305**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1493, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1288**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1040** and **HCS** for **HB 1041**, with **SCS**, entitled respectively:

An Act to repeal sections 160.261, 160.518, 160.570, 162.261, 163.036, 167.031, 167.051, 171.031, and 210.145, RSMo, and to enact in lieu thereof fourteen new sections relating to education accountability, with an emergency clause for a certain section.

An Act to repeal sections 105.454, 163.031, 168.110, 168.124, 168.126, 168.515, and 302.272, RSMo, and to enact in lieu thereof ten new sections relating to school personnel, with an emergency clause for certain sections.

Were taken up by Senator Nodler.

SCS for **HCS** for **HB 1040** and **HCS** for **HB 1041**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1040

AND HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1041

An Act to repeal sections 105.454, 160.254, 162.700, 163.031, 163.036, 165.301, 167.031, 167.051, 168.104, 168.124, 168.126, 168.221, 168.303, 168.500, 168.515, 169.270, 169.291, 169.295, 169.322, 169.596, 169.712, 172.360, 174.453, 209.321, 302.272, and 393.310, RSMo, and to enact in lieu thereof thirty new sections relating to school personnel, with an emergency clause for certain sections.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 1040** and **HCS** for **HB 1041** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 48, Section 174.453, Line 29, by inserting after "2004." all of the following:

"209.296. No person shall represent himself as an interpreter or engage in the practice of interpreting as defined in section 209.285 in the state of Missouri unless he is certified by the Board for Certification of Interpreters pursuant to the provisions of sections 209.285 to 209.318 or holds a certification recognized in section 209.322.

209.316. Violations, penalty - injunction granted when - venue.-

1. A violation of any provision of sections 209.285 to 209.318 is a class A misdemeanor.

2. All fees or other compensation received for services rendered in violation of sections 209.285 to 209.318 shall be refunded.

3. The board, with the approval of the commission, may sue in its own name in any court in this state. The board shall inquire diligently as to any violation of sections 209.285 to 209.318, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 209.285 to 209.318.

4. Upon application by the board, the attorney general may on behalf of the board request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Engaging in or offering to engage in the practice of interpreting for which a certification is required pursuant to 209.296, upon a showing that interpreting services were provided, or offered to be provided, without a certification issued pursuant to 209.285 to 209.318 or recognized in section 209.322; or

(2) Engaging in or offering to engage in the practice of interpreting, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 209.285 to 209.339 and may be brought concurrently with other actions to enforce sections 209.285 to 209.339."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill 1041, Page 45, Section 169.322, Line 71, by inserting immediately after said line the following:

"169.560. **1.** Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a district included in the retirement system created by those sections on either a part-time or temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year, and through such employment may earn up to fifty percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the employing school district does not utilize a salary schedule, or if the position in question is not subject to the employing district's salary schedule, a retiree employed in accordance with the provisions of this [section] **subsection** may earn up to fifty percent of the annual compensation paid to the person or persons who last held such position or positions. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed fifty percent of the annual compensation payable for the position in the employing school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the fifty-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system or to the nonteacher school employee retirement system established by sections 169.600 to 169.715 because of earnings during such period of employment. If such a person is employed in any capacity by such a district on a regular, full-time basis, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed and shall contribute to the retirement system.

2. Any person retired and currently receiving a retirement allowance pursuant to sections 169.010 to 169.141, other than for disability, may be employed in a district included in the retirement system created by those sections in a certified staff position paid on the regular teachers' salary schedule on either a part-time or temporary-substitute basis for more than five hundred fifty hours but not to exceed a total of eight hundred hours in any one school year, and through such employment may earn up to seventy-five percent of the annual compensation payable under the employing district's salary schedule for the position or positions filled by the retiree, given such person's level of experience and education, without a discontinuance of the person's retirement allowance. If the position or positions did not previously exist, the compensation limit shall be determined in accordance with rules duly adopted by the board of trustees of the retirement system; provided that, it shall not exceed seventy-five percent of the annual compensation payable for the position in the employing school district that is most comparable to the position filled by the retiree. In any case where a retiree fills more than one position during the school year, the seventy-five-percent limit on permitted earning shall be based solely on the annual compensation of the highest paid position occupied by the retiree for at least one-fifth of the total hours worked during the year. Such a person shall not contribute to the retirement system because of earnings during such period of employment, and the district shall contribute to the retirement system on the basis of such earnings at the percentage rate established pursuant to this chapter for full-time employees of the retirement system. Such a person shall not accrue service credit upon the basis of employment authorized pursuant to this subsection. If such a person is employed in any capacity by such a district on a regular, full-time basis, the person shall not be eligible to receive the person's retirement allowance for any month during which the person is so employed and shall contribute to the retirement system."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill 1041, Page 22, Section 167.052, Line 4, by inserting after all of said line the following:

"167.231. 1. Within all school districts except metropolitan districts the board of education shall provide transportation to and from school for all pupils living more than three and one-half miles from school and may provide transportation for all pupils. State aid for transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost of pupil transportation for those pupils living one mile or more from school, including transportation provided to and from publicly operated university laboratory schools; **except that in districts which are no more than fifteen square miles in size, transportation costs for students who live less than one mile from their assigned school may be considered as reimbursable miles when the district can demonstrate that such students are required to cross a state highway, county arterial, or other major barrier that constitutes a safety problem.** The board of education may provide transportation for pupils living less than one mile from school **who do not face safety problems** at the expense of the district and may prescribe reasonable rules and regulations as to eligibility of pupils for transportation. If no increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from the school, the board may transport said pupils. If an increase in the tax levy of the school district is required to provide transportation for pupils living less than one mile from school, the board shall submit the question at a public election. If a two-thirds majority of the voters voting on the question at the election are in favor of providing the transportation, the board shall arrange and provide therefor.

2. The proposal and the ballots may be in substantially the following form:

Shall the board of education of the school district provide transportation at the expense of the district for pupils living less than one mile from school and be authorized to levy an additional tax of cents on the one hundred dollars assessed valuation to provide funds to pay for such transportation service?

YES NO

(If you are in favor of the proposition (or question), place an X in the box opposite "YES". If you are opposed to the proposition (or question), place an X in the box opposite "NO".)

3. The board of education of any school district may provide transportation to and from school for any public school pupil not otherwise eligible for transportation under the provisions of state law, and may prescribe reasonable rules and regulations as to eligibility for transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of transporting the pupil. The minimum charge would be the actual cost of transporting the pupil for ninety school days, which actual cost is to be determined by the average per pupil cost of transporting children in the school district during the preceding school year. The full actual cost shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school aid funds or out of any other revenues of the school district. The cost of transportation may be paid in installments, and the board of education shall establish the cost of the transportation and the time or times and method of payment."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill 1041, Page 4, Section 160.254, Line 42, by inserting immediately after said line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to teachers and other school district employees with a need to know. For the purposes of this chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies, or any act which if committed by an adult would be one of the following felonies:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Burglary in the second degree under section 569.170, RSMo;
- (9) Robbery in the first degree under section 569.020, RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section 195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;
- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040, RSMo;
- (17) Felonious restraint under section 565.120, RSMo;

- (18) Property damage in the first degree under section 569.100, RSMo;
- (19) The possession of a weapon under chapter 571, RSMo;
- (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or
- (23) Sexual abuse pursuant to section 566.100, RSMo;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

- (1) The superintendent, or in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and
- (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

4. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

5. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

6. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policy of discipline developed by each board under this section, or when reporting to his or her supervisor or other person as mandated by state law, acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

7. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property,

including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

8. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the division of family services and take no further action. In all matters referred back to the division of family services, the division of family services shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the division of family services. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

- (1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;
- (2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;
- (3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

9. The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall

be terminated, the case closed, and no record shall be entered in the division of family services' central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the division of family services unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

10. Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

11. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio."; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Scott offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 45, Section 169.596, Line 8, by inserting after "superintendent" the following: **"unless the district has a shortage of superintendents, as determined by both the school district and the state board of education"**.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 8, Section 163.031, Line 33, by inserting immediately after the word "included" the following: **"and any monies received by the Pettis County school fund, prior to December 31, 2005, in resolution of environmental law violations shall not be included"**; and

Further amend said bill, page 53, section 2, line 5, by inserting immediately after said line the following:

"Section 3. All monies received in the Pettis County school fund in resolution of environmental law violations shall be deposited into that district's capital projects fund. The provisions of this section shall terminate on December 31, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

At the request of Senator Scott, **SA 6** was withdrawn.

Senator Gross offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 49, Section 209.321, Line 30, by inserting immediately after said line the following:

"210.145. 1. The division shall establish and maintain an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. Upon receipt of a report, the division shall immediately communicate such report to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

3. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation, or, which, if true, would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to commit any such crimes. The local office shall provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

4. The local office of the division shall cause an investigation or family assessment and services approach to be initiated immediately or no later than within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. If the parents of the child are not the alleged abusers, a parent of the child must be notified prior to the child being interviewed by the division. The division shall not meet with the child [at the child's school or child-care facility] **in any school building or child care facility building where abuse of such child is alleged to have occurred**. When the child is reported absent from the residence, the location and the well-being of the child shall be verified.

5. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the

provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

6. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

7. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

8. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

9. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

10. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

11. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

12. Within thirty days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within thirty days, unless good cause for the failure to complete the investigation is documented in the information system. If the

investigation is not completed within thirty days, the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

13. A person required to report under section 210.115 to the division shall be informed by the division of his right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. A person required to report to the division pursuant to section 210.115 may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the mandated reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the mandated reporter within five days of the outcome of the investigation.

14. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However, nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made.

15. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

16. The division of family services is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to 210.183.

17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend said bill, page 53, Section B, line 2, by striking the second "and"; and

Further amend said line by inserting after "168.515" the following "**and 210.145**"; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 45, Section 169.322, Line 71, by inserting after all of said line the following:

"169.577. Any member of a retirement system subject to the provisions of this chapter, who is within five years of being eligible to retire with a retirement allowance as provided in this chapter, may elect to purchase additional creditable service of up to [five-tenths] **six-tenths** of a year which shall, when so purchased, be included in the total of the member's years of creditable service,

used to enable the member to achieve the minimum creditable service time required for a retirement allowance, and applied in the computation of the member's annual service retirement allowance. For any member of a retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715, and notwithstanding any other provision within this section to the contrary, the purchase shall be effected in the same manner as provided in section 169.056. The request for purchase of the additional creditable service shall be made in writing to the board of trustees of the system in which the applicant is a member. The purchase shall be effected by the member paying to the retirement system the amount required by the rules and regulations established by the respective retirement system, or absent such rules and regulations, the amount, with

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 47, Section 169.712, Line 33, by inserting after all of said line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date, **provided that such opening date does not occur before the last Monday in August**, and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance.

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above

amendment be adopted, which motion failed.

Senator Steelman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 53, Section 2, Line 5, by inserting immediately after said line the following:

"Section 3. If a public school district hosts a district-sponsored Internet web site, that district shall post on such site:

(1) A current version of that district's policy manual and all related documents; and

(2) A current version of that district's handbook, or, if the district has more than one handbook, handbooks.";
and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 26, Section 168.126, Line 46, by inserting immediately after said line the following:

"168.211. 1. In metropolitan districts the superintendent of schools shall be appointed by the board of education for a term of one to four years, during which term his compensation shall not be reduced. [In the event the board shall dismiss the superintendent during said term, he shall be paid compensation only for the balance of the current year.] The superintendent of schools shall appoint, with the approval of the board, a treasurer, a commissioner of school buildings and he shall serve at the pleasure of the superintendent of schools and as many associate and assistant superintendents as he deems necessary, whose compensation shall be fixed by the board. The superintendent of schools shall give bond in the sum that the board requires but not less than fifty thousand dollars. No employee or agent of the board shall be a member of the board.

2. The superintendent of schools shall have general supervision, subject to the control of the board, of the school system, including its various departments and physical properties, courses of instruction, discipline and conduct of the schools, textbooks and studies. All appointments, promotions and transfers of teachers, and introduction and changes of textbooks and apparatus, shall be made by the superintendent with the approval of the board. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment, by examination, and in cases of promotion, by length and character of service. Examinations for appointment shall be conducted by the superintendent under regulations to be made by the board. He shall make such reports to the board that it directs or the rules provide.

3. The superintendent of schools shall have general supervision, subject to the approval of the board, of all school buildings, apparatus, equipment and school grounds and of their construction, installation, operation, repair, care and maintenance; the purchasing of all supplies and equipment; the operation of the school lunchrooms; the administration of examinations for the appointment and promotion of all employees of the school system; and the preparation and administration of the annual budget for the school system. Subject to the approval of the board of education as to number and salaries, the superintendent may appoint as many employees as are necessary for the proper performance of his duties.

4. The board may grant a leave of absence to the superintendent of schools, and may remove him from office by vote of a majority of its members.

5. The commissioner of school buildings shall be a person qualified by reason of education,

experience and general familiarity with buildings and personnel to assume the following responsibilities and duties. Subject to the control of the superintendent of schools, he shall exercise supervision over all school buildings, machinery, heating systems, equipment, school grounds and other buildings and premises of the board of education and the construction, installation, operation, repair, care and maintenance related thereto and the personnel connected therewith; the purchasing of building supplies and equipment and such other duties as may be assigned to him by board rules or regulations, provided that this provision shall not apply to any commissioner of school buildings serving on October 13, 1967."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 4, Section 160.254, Line 42, by inserting immediately after said line the following:

"161.415. 1. Within the limits of amounts appropriated therefor, the department of elementary and secondary education shall make available up to [one] **two** hundred one-year, renewable scholarships in an amount of two thousand dollars to minority students for the purpose of encouraging minority students to enter teaching. **Such scholarship shall be increased to three thousand dollars if the student is entering the special education field.** Such scholarships shall be available to minority high school graduates and college students who are residents of Missouri, and who enter and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four-year college or university located in Missouri, or who after the completion of their baccalaureate degree enter teacher education and make a commitment to teach science, [or] mathematics, **or special education**, and who have:

(1) Achieved scores on an accepted standardized test of academic ability, including, but not limited to, the SAT, ACT, SCAT, which place them at or above the seventy-fifth percentile; [and] **or**

(2) A high school rank at or above the seventy-fifth percentile.

2. If the number of applicants exceeds the number of scholarships or revenues available, the department of elementary and secondary education may consider the financial needs of the applicant.

3. Any college or university located in Missouri which offers a teacher education program approved by the department of elementary and secondary education, and wishes to have the scholarships provided pursuant to this section made available to eligible applicants for admittance to such college or university, must provide matching funds to match one dollar for every two dollars made available by the state pursuant to this section for students attending the college or university. [Such matching funds shall not be taken from money made available to the college or university from state funds.] The total scholarship available to any one student from state and from college and university sources pursuant to such match program shall be three thousand dollars per year, **or in the case of those students entering the special education field, four thousand dollars per year.**

4. A recipient shall be eligible for a renewed scholarship for a maximum of three additional years. Eligibility for renewed scholarships shall be based on criteria established by the colleges of education and the department of elementary and secondary education.

5. As used in this section the term "minority" includes Asian Americans, Hispanic Americans, Native Americans and African Americans.

6. The scholarships provided in subsection 1 of this section shall be available to otherwise eligible students who are currently enrolled in a community college and make a commitment to pursue a teacher education program approved by the department of elementary and secondary education and offered by a four-year college or university located in Missouri.

7. If a student ceases their study prior to receiving a degree, any scholarship received under this section shall be treated as a loan to the student and interest at the rate of nine and one-half percent per year shall be charged upon the unpaid balance of the amount received from the date the student ceases their study until the amount received is paid back to the state. In order to provide for the servicing of such loans, the department of elementary and secondary education may sell such loans to the higher education loan authority of the state of Missouri created under sections 173.350 to 173.450, RSMo.

8. Every student receiving scholarships under this section shall teach in an elementary or secondary public school in this state for a period of five years after receiving a degree or the scholarship shall be treated as a loan to the student and interest at the rate of nine and one-half percent per year shall be charged upon the unpaid balance of the amount received from the date the student ceases to teach until the amount received is paid back to the state. In order to provide for the servicing of such loans, the department of elementary and secondary

education may sell such loans to the higher education loan authority of the state of Missouri created under sections 173.350 to 173.450, RSMo. For each year that the student teaches up to five years, one-fifth of the amount which was received under this section shall be applied against the total amount received and shall not be subject to the repayment requirement of this section."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Pages 15-19, Section 163.036, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 13** was withdrawn.

Senator Shields offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 15, Section 163.036, Lines 6-10, by striking said lines; and

Further amend said bill and section, Page 16, lines 11 to 21, by striking said lines and inserting in lieu thereof the following: "year, whichever is greater. **Beginning with**".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 3, Section 105.454, Line 60, by inserting after all of said line the following:

"115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision [or special district] except for municipal [and], board of trustees of community college districts, **and school board** elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing,

the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Shields assumed the Chair.

Senator Stoll offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 5, Section 162.032, Line 11, by inserting immediately after said line the following:

"162.065. Any school district which provides bussing services to its students and any private transportation company which provides bussing services to a school district shall do the following:

(1) Consult the Missouri sex offender registration list prior to selecting school bus stops; and

(2) Have manifests containing the name, home address, bus stop, and destination of each student that is allowed to use a school bus and provide a copy of such list to each school bus driver so that any person who attempts to board a school bus who is not on such manifest can be denied access to such bus.

162.067. During fall registration, all school districts shall provide, to each student's parent or family, background information on the district's transportation program which shall include the name of the private transportation company the district uses, if any, the results of highway patrol safety inspections on busses that will be used to transport students, and any corporate safety information regarding such busses that is available."; and

Further amend the title and enacting clause accordingly.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 26, Section 168.126, Lines 28-32, by striking all boldfaced language from said lines and inserting in lieu thereof the following: **"If a district eliminates non-tenured staff for financial reasons, the district shall place such teachers on leave of absence as provided in section 168.124."**

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Coleman offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee

Substitute for House Bill No. 1041, Page 53, Section 393.310, Line 53, by inserting immediately after said line the following:

"488.5020. A surcharge of twenty dollars shall be assessed as costs in each court proceeding filed in any court in the state in all felony criminal cases involving chapters 195, 565, 566, 569, 570, and 571, RSMo; except that no such surcharge shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality.

589.313. 1. There is hereby created in the state treasury the "GREAT Fund". The fund shall consist of one-half of the money collected pursuant to section 488.5019, RSMo, in addition to money appropriated by the general assembly, charges, gifts, grants, bequests from federal, private, or other sources and investment income on the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, moneys in the GREAT fund shall not be transferred and placed to the credit of the general revenue fund. The remaining one-half of the funds collected pursuant to section 488.5020, RSMo, shall be used to fund the after-school reading retreat program as described in section 167.680, RSMo.

2. This fund shall be administered by the department of elementary and secondary education in accordance with the provisions of this section.

3. The department of elementary and secondary education in conjunction with local law enforcement who agree to participate shall, develop a "Gang Resistance Education and Training Program" (GREAT) for school districts which the department of elementary and secondary education determines are in need of such programs. GREAT shall be designed to help children set goals, resolve conflicts without violence, resist school bullying, and understand how gangs and youth violence impacts individuals and communities. The funds received annually by the GREAT fund shall be distributed to the gang resistance education and training program (GREAT) to be used to promote the program. The department of elementary and secondary education shall work together to develop criteria for local law enforcement and local public school districts, working together, to receive funds to carry out the goals of GREAT.

4. The department of elementary and secondary education shall develop a grant program to provide school districts with matching grants to fund the after-school reading retreat program as described in section 167.680, RSMo. The after-school reading retreat program shall put emphasis on improving the reading skills of children who attend the program along with other instruction. The department of elementary and secondary education with the approval of the state board of education shall develop the criteria for public school districts to receive said funds."; and

Further amend said bill, page 54, section B, line 8, by inserting immediately after said line the following:

"Section C. The provisions of sections 488.5020 and 589.313 of this act shall terminate on December 31, 2009."; and

Further amend the title and enacting clause accordingly.

Senator Coleman moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 47, Section 169.712, Line 33, by inserting after all of said line the following:

"171.053. 1. Any school district which allows an excused absence for athletics or any other extracurricular school activity shall allow, pursuant to its written policy and with the approval of the responsible sponsoring school employee, any student enrolled in the district to use such regularly scheduled instructional time as is reasonably necessary for such student to participate in an officially sanctioned activity of such programs as, but

not limited to, the Future Farmers of America Organization (FFA organization), Family, Career, and Community Leaders of America (FCCLA), 4-H, and organized competitions at the state fair; provided, if the program is not a part of the Missouri state fair or 4-H, that such program has a local chapter which is officially recognized by the student's school.

2. For the purpose of distributing state school aid pursuant to section 163.031, RSMo, a student who is participating in an officially sanctioned activity of any such program, as provided pursuant to subsection 1 of this section, shall be considered to be attending regularly scheduled instruction in the district and such hours of participation occurring during the regular school day shall be included in the district's calculation of average daily attendance, as defined in section 163.011, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Dougherty offered **SA 20:SENATE AMENDMENT NO. 20**

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 4, Section 160.254, Line 42, by inserting immediately after said line the following:

"160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall

detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. Within the limits established in subsection 8 of this section, the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books, and fees to any public community college [or], vocational, or technical school, **or any private vocational or technical school** for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this subsection as determined by rule and regulation of said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. The following requirements must be satisfied in order for private vocational or technical schools to obtain

reimbursements pursuant to subsection 6 of this section:

- (1) Such institutions must be members of the North Central Association and be accredited by the Higher Learning Commission;**
- (2) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college; and**
- (3) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment to the United States Constitution."; and**

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 21:

SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 48, Section 174.453, Line 29, by inserting after all of said line the following:

"174.780. 1. Public institutions of higher education in this state shall not:

- (1) Publicly post or display in any manner an individual's Social Security number;**
- (2) Require an individual to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted;**
- (3) Require an individual to use his or her Social Security number to access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the web site;**
- (4) Print an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires that the number appear on the document; or**
- (5) Print an individual's Social Security number on any kind of student identification card.**

Notwithstanding the provisions of this subsection, Social Security numbers may be used in any transaction related to applications, including documents sent as part of the admissions application or enrollment process, contract, or policy, or to confirm the accuracy of the Social Security number.

2. Except as provided in subsection 3 of this section, the provisions of subsection 1 of this section apply only to the use of Social Security numbers on or after July 1, 2006.

3. Except as provided in subsection 7 of this section, public institutions of higher education that have used an individual's Social Security number prior to July 1, 2006, in a manner inconsistent with subsection 1 of this section, may continue using that individual's Social Security number in such manner on or after July 1, 2006, provided the individual is given an annual disclosure that informs the individual that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by subsection 1 of this section and the individual fails to file a written request instructing the institution to cease using his or her Social Security number in such a manner.

4. A written request by an individual to stop the use of his or her Social Security number in a manner

prohibited by subsection 1 of this section shall be implemented within thirty days of the receipt of such request. There shall be no fee or charge for implementing the request. A public institution of higher education shall not deny services to an individual because the individual makes a written request pursuant to this subsection.

5. This section does not prevent the collection, use, or release of a Social Security number as required by state or federal law or the use of a Social Security number for internal verification or administrative purposes.

6. This section does not apply to documents that are recorded or required to be open to the public under chapter 610, RSMo. This section does not apply to records that are required by statute, case law, or Missouri court rules to be made available to the public.

7. If a federal law takes effect requiring the United States Department of Health and Human Services to establish a national patient health identifier program, any person or entity that complies with the federal law shall be deemed in compliance with this section."; and

Further amend said bill, Page 28, Section 1, Line 24, by inserting after all of said line the following:

"Section B. The enactment of Section 178.780 of Section A of this act shall become effective January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 21** is out of order as it exceeds the scope and purpose of the original bills.

Senator Gross assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Childers assumed the Chair.

Senator Jacob offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 22, Section 167.052, Line 4, by inserting after the end of said line the following:

"167.166. 1. No employee, volunteer, or school board member of any public school or charter school within this state shall perform or direct a strip search as defined in section 544.193, RSMo, of any student of any such school. No employee, volunteer, or school board member of any public school or charter school within this state shall direct a student to take part in, direct, supervise, be present for or witness a strip search of a fellow student. Any employee, volunteer, or school board member who violates this subsection shall be immediately suspended from their association with the school, without pay if such person would otherwise receive pay, pending an evidentiary hearing on the matter. In the event the person suspended is found, after an evidentiary hearing, to have violated this subsection, such person shall be subject to sanctions up to and including termination from the school or on the school board.

2. In the event a certified law enforcement officer has probable cause to believe that a student of a public or charter school in this state has concealed a deadly or dangerous weapon on the student's person and is present on the property of the school, such officer may detain the student for the limited purpose of conducting a search and may conduct a strip search of such student as defined and limited in section 544.193, RSMo, and pursuant to the limitations and provisions of this subsection, only to the limited extent reasonably necessary to determine

whether the student has possession of a deadly or dangerous weapon and to take possession of any such weapon if found on the person of the student. No male law enforcement officer shall conduct or be present during the strip search of a female student performed pursuant to this subsection. No female law enforcement officer shall conduct or be present during the strip search of a male student performed pursuant to this subsection. Any student to be strip searched pursuant to this subsection shall not be strip searched until the student has been given a reasonable opportunity to make contact with the student's parents or legal guardians, including at least contact by telephone, and to inform such persons of the impending strip search and to discuss same with such persons. In the event a parent or legal guardian of the student is successfully contacted and expresses a desire to be present during the strip search, the strip search shall not be commenced until the parent or legal guardian expressing such desire has been given at least fifteen minutes to appear at the location of the strip search."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Steelman moved that the vote by which **SA 8** to **SCS** for **HCS** for **HB 1040** and **HCS** for **HB 1041** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Stoll	
Vogel	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Coleman	Days	Dolan	Wheeler--4
Absent with leave--Senators--None			

SA 8 was again taken up.

At the request of Senator Steelman, the above amendment was withdrawn.

Senator Steelman offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1040 and House Committee Substitute for House Bill No. 1041, Page 45, Section 169.322, Line 71, by inserting after all of said line the following:

"169.577. Any member of a retirement system subject to the provisions of this chapter, who is within five years of being eligible to retire with a retirement allowance as provided in this chapter, may elect to purchase additional creditable service of up to [five-tenths] **six-tenths** of a year which shall, when so purchased, be included in the total of the member's years of creditable service, used to enable the member to achieve the minimum creditable service time required for a retirement allowance, and applied in the computation of the member's annual service retirement allowance. For any member of a retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715, and notwithstanding any other provision within this

section to the contrary, the purchase shall be effected in the same manner as provided in section 169.056. The request for purchase of the additional creditable service shall be made in writing to the board of trustees of the system in which the applicant is a member. The purchase shall be effected by the member paying to the retirement system the amount required by the rules and regulations established by the respective retirement system, or absent such rules and regulations, the amount, with interest, the member would have contributed thereto and the amount the member's employer would have contributed thereto had the person been employed in a position covered by the retirement system for the number of months for which the member is electing to purchase credit, and had the member's compensation during such period been the same as the annual salary rate at which the member is receiving at the time of application, and the contribution rate in effect on the date of election to purchase credit. The payment shall be completed prior to termination of membership with the retirement system with interest on the unpaid balance. Nothing in this section shall be construed to allow a member to vest in the retirement system by using the creditable service purchased pursuant to the provisions of this section to reach the time of vesting."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SCS** for **HCS** for **HB 1040** and **HCS** for **HB 1041**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 1040** and **HCS** for **HB 1041**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Bartle--1
Absent--Senators--None
Absent with leave--Senators--None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SCS** for **HCS** for **HB 959** and **HCS** for **HB 1278**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1002**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1002**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1305**, as amended.
Representatives: Byrd, Jetton, Crowell, Johnson (90) and Harris (23).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1003** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1003**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1004** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1004**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1005**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1005**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1007**, as amended, and has taken up and

passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1007**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1009** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1009**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1010**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1010**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HS** for **HCS** for **HB 978** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 732**, entitled:

An Act to repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof nine new sections relating to recreation and entertainment districts.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1002**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1002

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1002.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1002.
- That the attached Conference Committee Substitute for House Bill No. 1002, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Bryan P. Stevenson
/s/ Theodore Hoskins
/s/ Vicky Walker

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1002**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1002An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Bland-- 1
Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1003**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1003

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1003 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1003.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1003.
- That the attached Conference Committee Substitute for House Bill No. 1003, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Bryan P. Stevenson
/s/ Jeff Harris
/s/ Barbara Fraser

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder

Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Bland--1

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1003An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1004**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1004 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1004.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1004.
- That the attached Conference Committee Substitute for House Bill No. 1004, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Allen Icet
/s/ Matt S. Muckler
/s/ Clint Zweifel

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senator Bland--1		
	Absent--Senator Callahan--1		
	Absent with leave--Senators--None		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1004An Act to appropriate money for the expenses, grants, refunds, and distributions of the

Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel--33

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1005**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1005

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1005 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1005.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1005.
- That the attached Conference Committee Substitute for House Bill No. 1005, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Allen Icet
/s/ Thomas A. Villa
/s/ Albert J. Liese

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Bland--1

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1005**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1005An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel--33

NAYS--Senator Bland--1
Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Yeckel moved that **SCS** for **HCS** for **HB 959**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 959**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Bland--1
Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1093**, entitled:

An Act to amend chapters 67, 362, 369, and 370, RSMo, by adding thereto four new sections relating to investment of public funds.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1106**, entitled:

An Act to authorize the conveyance of tracts of land owned by the state, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 884**, entitled:

An Act to amend chapter 3, RSMo, by adding thereto one new section relating to the duties of the revisor of statutes.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Yeckel moved that the Senate refuse to recede from its position on **SS** for **HS** for **HCS** for **HB 978**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS** for **HB 978**, as amended: Senators Yeckel, Nodler, Scott, Coleman and Caskey.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 18, 2004 for your advice and consent:

Monica L. Anthony, 404 Norris Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Personnel Advisory Board, for a term ending July 13, 2008, and until her successor is duly appointed and qualified; vice, Vicky Weimholt, resigned.

Respectfully submitted,

BOB HOLDEN

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

CONCURRENT RESOLUTIONS

Senators Shields and Kennedy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 50

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization (WHO); and

WHEREAS, Taiwan's achievements in the field of health are substantial, including:

(1) Attaining one of the highest life expectancy levels in Asia, and maternal and infant mortality rates comparable to those of western countries; and

(2) Eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and

(3) Providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

WHEREAS, on January 14, 2001, an earthquake, registering between 7.6 and 7.9 of the Richter scale, struck El Salvador. In response, the Taiwanese Government sent two rescue teams, consisting of ninety individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

WHEREAS, in light of all benefits that Taiwan's participation in WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO; and

WHEREAS, in 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan; and

WHEREAS, avian influenza, commonly known as bird flu, has reemerged in Asia, with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos; and

WHEREAS, the SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO; and

WHEREAS, as the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby support observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the World Health Organization.

Senators Kinder and Jacob offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 51

Relating to recognition of the Ellis Fischel Cancer Center.

WHEREAS, on January 11, 1937, Governor Lloyd C. Stark of Missouri in his inaugural address stressed the desirability and importance of a cancer hospital, which should be available to "the humblest citizen"; and

WHEREAS, Senator Michael Kinney of St. Louis introduced a cancer hospital bill to the 59th General Assembly, a measure which was subsequently passed and signed by Governor Stark on May 28, 1937; and

WHEREAS, the bill provided for the erection and operation of the first state cancer hospital in the country and provision for the establishment of diagnostic clinics, and for the Governor to appoint a State Cancer Commission to supervise the maintenance and operation of the state's cancer program and to appoint a hospital administrator; and

WHEREAS, the cornerstone for this historic state cancer hospital was laid December 9, 1938, and the hospital opened in 1940 as the Ellis Fischel State Cancer Hospital in honor of Dr. Ellis Fischel, a St. Louis surgeon who was a staunch advocate and chairman of the Missouri State Cancer Commission who suffered an early and unfortunate death before the hospital was completed; and

WHEREAS, the Ellis Fischel State Cancer Hospital has a long and historical record of compassionate cancer treatment for the citizenry of Missouri and beyond, and of cancer outreach education and prevention activities that have engaged virtually every county in the State of Missouri; and

WHEREAS, the Ellis Fischel State Cancer Hospital, which has been owned and operated by the State of Missouri under the authority of the Missouri State Cancer Commission for fifty years, was transferred by Governor John Ashcroft from management by the Missouri Department of Health and Senior Services to that of the Curators of the University of Missouri, a sovereign entity of the State of Missouri, on November 1, 1990; and

WHEREAS, this transfer of management and the merger of the highest quality cancer research, education, and treatment programs between the staffs of the Ellis Fischel State Cancer Hospital and the Medical School of the University of Missouri-Columbia, which resulted in renaming the program the Ellis Fischel Cancer Center, has resulted in a State Cancer Hospital that provides research in the causes, prevention, and treatment of cancer of the very highest quality care for Missourians:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, the House of Representatives concurring therein, unanimously join in extending our recognition of the history and service of the Ellis Fischel Cancer Center as the designated cancer institute of the State of Missouri; and

BE IT FURTHER RESOLVED that this resolution be sent to the governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

REFERRALS

President Pro Tem Kinder referred **SCR 50** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1867, regarding Keelyn Nicole Harris, Ballwin, which was adopted.

Senator Foster offered Senate Resolution No. 1868, regarding Jerry Gross, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1869, regarding Nadine Roberts, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1870, regarding J. Larry Thompson, Dexter, which was adopted.

Senator Foster offered Senate Resolution No. 1871, regarding Matt Morris, Columbia, which was adopted.

Senator Foster offered Senate Resolution No. 1872, regarding Dr. Mary A. Phyfer, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1873, regarding Larry D. Hastings, Poplar Bluff, which was adopted.

Senator Quick offered Senate Resolution No. 1874, regarding the Eightieth Birthday of Martha Bader, Gladstone, which was adopted.

Senator Bray offered Senate Resolution No. 1875, regarding Gannet Tseggai, which was adopted.

Senator Champion offered Senate Resolution No. 1876, regarding Bill Rowe, Jr., which was adopted.

Senator Dougherty offered the following resolution:

SENATE RESOLUTION NO. 1877

WHEREAS, lead poisoning is a 100% preventable childhood epidemic that affects Missouri's youngest citizens; and

WHEREAS, St. Louis has a lead poisoning rate eight times the national average; and

WHEREAS, awareness and education among parents, educators, and communities is key to lead poisoning prevention efforts; and

WHEREAS, HealthCare USA has formed a collaboration with the St. Louis Lead Prevention Coalition, Clear Corps, and the St. Louis Black Repertory Company to develop the lead poisoning prevention community theater education initiative, "Jimmy's Getting Better"; and

WHEREAS, funded by a grant from Eli Lilly, the "Jimmy's Getting Better" project will educate the St. Louis community regarding the impact of lead poisoning on children and families; and

WHEREAS, HealthCare USA has taken a leadership role in developing this lead poisoning education initiative for the community:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, Second Regular Session, unanimously join in a thunderous round of applause for HealthCare USA and its collaborative partners, the St. Louis Lead Prevention Coalition, Clear Corps, and the St. Louis Black Repertory Company for their creative approach to educating families and communities about childhood lead poisoning, and further extend our best wishes to Missouri healthcare providers that follow the lead of HealthCare USA and its corporate "good citizenship" in assuring that collaborative efforts to address lead poisoning are undertaken by private-public partnerships that benefit all of Missouri's children; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for HealthCare USA.

Senators Loudon, Scott, Cauthorn, Foster, Coleman, Yeckel, Dolan, Griesheimer, Steelman and Klindt offered the following resolution:

SENATE RESOLUTION NO. 1878

WHEREAS, Amendment I of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion...", is a specific and unequivocal instruction to only the United States Congress; and

WHEREAS, the United States Constitution makes no further restriction on the ability of states to acknowledge a Supreme Ruler; and

WHEREAS, Amendment X of the United States Constitution, which provides that "The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively, or to the people", reserved the right of the acknowledgment of God by the states and the people; and

WHEREAS, the Preamble to the Missouri Constitution, which provides that "We the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this constitution for the better government of the state", is within the boundaries of rights reserved to the states by the United States Constitution; and

WHEREAS, the Federal Judiciary has overstepped its Constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, or government by local and state officers and other state institutions, including state schools; and

WHEREAS, the Federal Courts have failed to perform its duty to resolve the confusion between Amendment I and Amendment X of the United States Constitution; thus, the United States Congress, as allowed in Article II, Section 2 of the United States Constitution which provides in part that "the court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make", must clarify and instruct the Federal Judiciary to refrain from interfering with any expression of religious faith by any elected local, state, or Federal official and thereby limit the jurisdiction of the Federal courts in such matters; and

WHEREAS, there is pending before the 2nd Session of the 108th Congress the following: H.R. 3799 and S. 2082 which will limit the jurisdiction of the Federal courts and return the rights, as claimed by the state of Missouri in its Preamble to the Missouri Constitution, to the states and to the people and resolve the issue of improper judicial activism in matters relating to the acknowledgment of God; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, urge the United States Congress to adopt forthwith H.R. 3799 or S. 2082; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, the Chair of the United States Senate Judiciary Committee, the Chair of the United States House of Representatives Judiciary Committee, and each member of the Missouri Congressional delegation.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jesse Susi, M.D., Town and Country.

Senator Cauthron introduced to the Senate, Birdie Kueckelhan and Mary Bail, Boonville; Cora Wisdom, Kansas City; and Carol Fowler, Marshall.

Senator Nodler introduced to the Senate, Andy, Angela and Hailey Johnson, Joplin.

The President introduced to the Senate, his daughter, Shannen Maxwell, his mother, Molly Maxwell Shellabarger and his stepfather, Wayne Shellabarger, Mexico.

Senator Loudon introduced to the Senate, Diane Bordeaux and seventy-five students from Mason Ridge Elementary School, Chesterfield; and Lauren Bordeaux, Alison Bean and Kevin Liberman were made honorary pages.

Senator Vogel introduced to the Senate, seventh grade students from St. Andrew's School, Tipton; and Rhiannon Hees, Matthew Brauner, Kayla Petree and Shelby Knipp were made honorary pages.

Senator Kinder introduced to the Senate, sixteen sixth, seventh and eighth grade students from Salem Lutheran School, Farrar.

Senator Yeckel introduced to the Senate, Bill Donius, St. Louis County.

Senator Gross introduced to the Senate, Deanna Gonzalez and fifth grade students from Blackhurst Elementary School, St. Charles; and Deanna was made an honorary page.

Senator Dougherty introduced to the Senate, Alleanna Ester Sanchez Gonzalez Nilges, Jefferson City; and Alleanna was made an honorary page.

On behalf of Senators Shields and Mathewson, the President introduced to the Senate, former State Senator Truman Wilson, St. Joseph.

On behalf of Senator Dougherty and himself, Senator Kennedy introduced to the Senate, Mimi Deem, Joe Torrisi and twenty-five students from Compton/Drew ILC School, St. Louis.

Senator Kinder introduced to the Senate, Rodney Richardet, Perryville.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIFTH DAY-WEDNESDAY, MAY 5, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-

Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HCS for HBs 1268 & 1211-Smith (118), with SCS (Loudon)
2. HCS for HB 1177, with SCS (Cauthorn)
3. HCS for HB 980 (Klindt)
4. HCS for HB 1115 (Gross)
5. HCS for HBs 998 & 905 (Griesheimer)
6. HCS for HB 833, with SCS (Vogel)
7. HCS for HB 898, with SCS (Shields)
8. HCS for HBs 946, 1106 & 952, with SCS (Dolan)
9. HS for HB 1487-Self (Scott)
10. HCS for HB 1055 (Vogel)
11. HCS for HB 1215, with SCS (Bartle)
12. HS for HCS for HB 1207-Icet (Loudon)
13. HS for HB 1193-Self, with SCS (Loudon)
14. HCS for HB 1278, with SCS (Loudon)
15. HCS for HB 1209 (Kinder)
16. HCS for HBs 1074 & 1129, with SCS (Kinder)
17. HCS for HB 1439 (Dolan)
18. HCS for HB 1617 (Bartle)
19. HB 1664-Hanaway, et al (Bartle)
20. HS for HCS for HB 1511-Byrd (Caskey)

21. HS for HCS for HB 1453-Hanaway,
with SCS (Shields)
(In Fiscal Oversight) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS
SB 735-Foster, et al, with SCS
SBs 738 & 790-Loudon, with SCS & SS for
SCS (pending)
SS for SS for SCS for SB 755-Shields
SBs 774 & 915-Wheeler, with SCS
SB 787-Childers, with SCS, SA 1 & SSA 1
for SA 1 (pending)
SB 809-Klindt, with SCS, SS for SCS &
SA 2 (pending)
SB 817-Kennedy and Griesheimer, with
SCS
SB 856-Loudon, with SCS, SS for SCS, SS
for SS for SCS, SA 2 & SSA 1 for
SA 2 (pending)
SB 906-Foster, with SCS, SS for SCS &
SA 2 (pending)
SBs 908 & 719-Cauthorn, with SCS
SB 933-Yeckel, et al
SB 989-Gross, et al, with SCS (pending)
SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS

(pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)

(Bartle)

HCS for HB 1182, with SCS & SS for SCS

(pending) (Klindt)

HCS for HB 1288, with SCS (Griesheimer)

HB 1493-Emery, et al, with SCS (Steelman)

HS for HCS for HB 1566-Stefanick, with

SCS, SS for SCS, SS for SS for SCS,

SA 1 & SSA 2 for SA 1 (pending)

(Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 1187-Ervin, et al (Quick)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HB 1494-Ervin (Quick)

HBs 1613, 1445, 1454, 1462, HCS for

HB 1471, HBs 1608, 1612 & 1635-

Morris, with SCS (Champion)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HB 1126-Seigfreid, et al (Mathewson)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1217-Johnson (47), et al, with SCS
(Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HCS for HB 1253, with SCS (Loudon)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1440-Deeken, with SCS (Scott)

HB 1508-Baker (Bartle)

HCS for HB 1660, with SCS (Klindt)

HB 1616-Hanaway, et al (Gibbons)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

HB 1634-Behnen, with SCS (Gross)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HB 960-Roark, with SCS (Champion)

HBs 1029, 1438 & 1610-Henke, with SCS
(Dolan)

HB 826 & HCS for HB 883-Kelley (144),
with SCS (Russell)

HBs 996, 1142, HCS for HB 1201 &
HB 1489-Dusenberger, et al, with SCS
(Bartle)

HCS for HB 928, HCS for HB 1123 & HCS
for HB 1280-Bivins, with SCS (Yeckel)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HCS for HB 798, with SCS (Klindt)

HB 1364-Bishop, et al, with SCS (Quick)

HB 1188-Lipke, et al, with SCS (Bartle)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HCS for HB 1192, with SCS (Cauthorn)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 732-Gross, with HCS

SB 884-Klindt, with HCS

SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended

SCS for SB 1093-Gibbons and Yeckel, with HCS

SS for SCS for SB 1099-Gibbons, with HS
for HCS, as amended

SCS for SB 1106-Shields, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

HCS for HBs 795, 972, 1128 & 1161, with

SS for SCS, as amended (Childers)

HS for HCS for HB 978-Baker, with SS,
as amended (Yeckel)

HS for HCS for HB 1006-Bearden, with
SCS (Russell)

HS for HCS for HB 1007-Bearden, with
SCS, as amended (Russell) (House
adopted CCR and passed CCS)

HS for HCS for HB 1008-Bearden, with
SCS (Russell)

HS for HCS for HB 1009-Bearden, with

SCS (Russell) (House adopted CCR and passed CCS)

HS for HCS for HB 1010-Bearden, with SCS, as amended (Russell) (House adopted CCR and passed CCS)

HS for HCS for HB 1011-Bearden, with SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with SCS, as amended (Russell)

HCS for HB 1305, with SCS, as amended (Scott) RESOLUTIONS

To be Referred

SCR 51-Kinder and Jacob

SR 1877-Dougherty

SR 1878-Loudon, et al

Reported from Committee

SCR 45-Dougherty

SCR 46-Gross

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIFTH DAY--WEDNESDAY, MAY 5, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

"I am the Lord;...I will not leave you until I have done what I have promised you." (Genesis 28:13a, 15b)

Gracious God, we began this day in prayer and we continue now to ask You to be with us and watch over us as hours here lengthen and time left for us to act shortens. And we pray for former Senator Wiggins as he goes through probable surgery, give wisdom to the doctors and skill to those who care for him and touch him with Your healing presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1879, regarding Angela M. Farrar, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HS** for **HCS** for **HB 978**, as amended.
Representatives: St. Onge, Baker, Byrd, Seigfreid and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1091**, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to community colleges.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1012**, entitled:

An Act to repeal sections 139.031, 140.340, and 140.730, RSMo, and to enact in lieu thereof three new sections relating to the collection of taxes, with an emergency clause for a certain section.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 942, 850 and 841**, entitled:

An Act to authorize the governor to convey certain tracts of state property, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 945, SB 803 and SB 1257**, entitled:

An Act to repeal sections 160.261, 210.145, and 211.031, RSMo, and to enact in lieu thereof four new sections relating to school-age children, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 1613, introduced by Representative Morris, et al, **HB 1445**, introduced by Representative Mayer, **HB 1454**, introduced by Representative Swinger, et al, **HB 1462**, introduced by Representative Bean, et al, **HCS** for **HB 1471**, **HB 1608**, introduced by Representative Dougherty, **HB 1612**, introduced by Representative Bringer and **HB 1635**, introduced by Representative Salva, with **SCS**, entitled respectively:

An Act to authorize the conveyance of property in the county of Greene owned by the board of governors of Southwest Missouri State University, with an emergency clause.

An Act to authorize the conveyance of property owned by the state in the county of Stoddard to the city of Dexter.

An Act to authorize the conveyance of property owned by the state in the county of Pemiscot to the city of Caruthersville.

An Act to authorize the conveyance of property owned by the state in the county of Stoddard to the city of Bernie.

An Act to authorize the conveyance of property owned by the state in the county of Jackson to the Truman Medical Center.

An Act to authorize the conveyance of property owned by the state in the county of Jackson.

An Act to authorize the conveyance of property owned by the state in the county of Marion to the city of Hannibal.

An Act to authorize the conveyance of property owned by the state in the county of Jackson.

Were called from the Consent Calendar and taken up by Senator Champion.

SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1613

HOUSE BILL NO. 1445

HOUSE BILL NO. 1454

HOUSE BILL NO. 1462

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1471

HOUSE BILL NO. 1608

HOUSE BILL NO. 1612

AND HOUSE BILL NO. 1635

An Act to authorize the conveyance of property, with an emergency clause for a certain section.

Was taken up.

Senator Champion moved that **SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635** be adopted.

Senator Foster requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Foster offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1613, House Bill No. 1445, House Bill No. 1454, House Bill No. 1462, House Committee Substitute for House Bill No. 1471, House Bill No. 1608, House Bill No. 1612 and House Bill No. 1635, Page 3, Section 4, Line 6-18, by striking said lines and inserting in lieu thereof the following:

"All that part of the northwest quarter of the southwest quarter of Section Three (3), Township Twenty-three (23) north, Range Ten (10) east described by metes and bounds as follows:

Beginning at a point twenty-five (25) feet west of and six hundred thirty four and five tenths (634.5) feet south no degrees and forty three minutes west of the northeast corner of the northwest quarter of the southwest quarter of Section Three (3) aforesaid; thence south no degrees and forty three minutes west two hundred forty-eight (248) feet; thence west four hundred thirty nine and eighty five hundredths (439.85) feet; thence north two hundred forty-eight (248) feet; thence east four hundred forty-three (443) feet to the point of beginning and containing 2.513 acres, more or less, and being a part of the northwest quarter of the southwest quarter of Section Three (3) aforesaid."

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Champion moved that **SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635**, as amended, be adopted, which motion prevailed.

On motion of Senator Champion, **SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman-- 1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman-- 1

Absent with leave--Senators--None

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1217, with **SCS**, introduced by Representative Johnson (47), et al, entitled:

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof one new section relating to civilian employees retirement system of the police department of Kansas City.

Was called from the Consent Calendar and taken up by Senator Wheeler.

SCS for **HB 1217**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1217

An Act to repeal sections 86.223 and 86.690, RSMo, and to enact in lieu thereof two new sections relating to retirement systems of police employees within Kansas City and St. Louis.

Was taken up.

Senator Wheeler moved that **SCS** for **HB 1217** be adopted, which motion prevailed.

On motion of Senator Wheeler, **SCS** for **HB 1217** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1253**, with **SCS**, entitled:

An Act to repeal sections 375.246, 375.1176, 375.1198, and 375.1220, RSMo, and to enact in lieu thereof four new sections relating to insurer liquidation law, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Loudon.

SCS for **HCS** for **HB 1253**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1253

An Act to repeal sections 375.246, 375.1198, 375.1220, and 379.825, RSMo, and to enact in lieu thereof four new sections relating to insurance.

Was taken up.

Senator Loudon moved that **SCS** for **HCS** for **HB 1253** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HCS** for **HB 1253** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1440, with **SCS**, introduced by Representative Deeken, entitled:

An Act to repeal section 251.440, RSMo, and to enact in lieu thereof two new sections relating to regional planning commissions.

Was called from the Consent Calendar and taken up by Senator Scott.

SCS for **HB 1440**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1440

An Act to repeal sections 104.020, 104.050, 104.080, 104.090, 104.103, 104.110, 104.170, 104.180, 104.255, and

251.440, RSMo, and to enact in lieu thereof twelve new sections relating to retirement.

Was taken up.

Senator Scott moved that **SCS** for **HB 1440** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HB 1440** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1660**, with **SCS**, entitled:

An Act to repeal sections 43.250, 43.251, and 610.200, RSMo, and to enact in lieu thereof three new sections relating to accident reports.

Was called from the Consent Calendar and taken up by Senator Klindt.

SCS for **HCS** for **HB 1660**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1660

An Act to repeal sections 43.250, 43.251, and 610.200, RSMo, and to enact in lieu thereof three new sections relating to accident reports.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 1660** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HCS** for **HB 1660** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1634, with **SCS**, introduced by Representative Behnen, entitled:

An Act to repeal section 59.480, RSMo, and to enact in lieu thereof one new section relating to military discharge records.

Was called from the Consent Calendar and taken up by Senator Gross.

SCS for **HB 1634**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1634

An Act to repeal sections 59.480, 193.225, and 193.245, RSMo, and to enact in lieu thereof three new sections relating to disclosure of certain recorded documents.

Was taken up.

Senator Gross moved that **SCS** for **HB 1634** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **HB 1634** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Jacob

Russell--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 960, with **SCS**, introduced by Representative Roark, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Russell Harper Memorial Highway.

Was called from the Consent Calendar and taken up by Senator Champion.

SCS for **HB 960**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 960

An Act to amend chapters 227 and 234, RSMo, by adding thereto four new sections relating to memorial highways.

Was taken up.

Senator Champion moved that **SCS** for **HB 960** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **HB 960** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Childers--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1029, introduced by Representative Henke, **HB 1438**, introduced by Representative Ward, et al, and **HB 1610**, introduced by Representative Ward, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway for veterans.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Deputy Steven Ziegler Memorial Highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Jesse R. Jenkins Memorial Highway.

Were called from the Consent Calendar and taken up by Senator Dolan.

SCS for **HB 1029**, **HB 1438** and **HB 1610**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1029

HOUSE BILL NO. 1438

AND HOUSE BILL NO. 1610

An Act to amend chapter 227, RSMo, by adding thereto four new sections relating to the designation of certain memorial highways.

Was taken up.

Senator Dolan moved that **SCS** for **HB 1029**, **HB 1438** and **HB 1610** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **HB 1029**, **HB 1438** and **HB 1610** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 826, introduced by Representative Kelly (144) and **HCS** for **HB 883**, with **SCS**, entitled respectively:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Laura Ingalls Wilder Memorial Highway.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

Were called from the Consent Calendar and taken up by Senator Russell.

SCS for **HB 826** and **HCS** for **HB 883**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 826
AND HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 883

An Act to amend chapters 227 and 234, RSMo, by adding thereto three new sections relating to memorial highways.

Was taken up.

Senator Russell moved that **SCS** for **HB 826** and **HCS** for **HB 883** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HB 826** and **HCS** for **HB 883** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280**, with **SCS**, entitled respectively:

An Act to repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver's licenses.

An Act to repeal section 301.2999, RSMo, and to enact in lieu thereof one new section relating to specialized license plates.

An Act to repeal sections 301.041, 390.136, 390.340, 622.095, and 622.618, RSMo, and to enact in lieu thereof three new sections relating to registration of commercial motor vehicles, with a penalty provision.

Were called from the Consent Calendar and taken up by Senator Yeckel.

SCS for HCS for HB 928, HCS for HB 1123 and HCS for HB 1280, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 928 AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1123 AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1280

An Act to repeal sections 301.041, 301.2999, 302.178, 390.136, 390.340, 622.095, and 622.618, RSMo, and to enact in lieu thereof five new sections relating to motor vehicles, with penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS for HCS for HB 928, HCS for HB 1123 and HCS for HB 1280** be adopted.

Senator Dolan requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Dolan offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 928, House Committee Substitute for House Bill No. 1123 and House Committee Substitute for House Bill No. 1280, Page 5, Section 301.2999, Line 32, by inserting immediately after the word "and" the following: "**the organization**".

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS for HCS for HB 928, HCS for HB 1123 and HCS for HB 1280**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS for HCS for HB 928, HCS for HB 1123 and HCS for HB 1280**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan

Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Quick Scott--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 798**, with **SCS**, entitled:

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to civil case surcharges.

Was called from the Consent Calendar and taken up by Senator Klindt.

SCS for **HCS** for **HB 798**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 798

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to civil case surcharges.

Was taken up.

Senator Klindt moved that **SCS** for **HCS** for **HB 798** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HCS** for **HB 798** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1188, with **SCS**, introduced by Representative Lipke, et al, entitled:

An Act to repeal sections 221.070, 488.4014, 488.5320, and 595.045, RSMo, and to enact in lieu thereof four new sections relating to the criminal justice system.

Was called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HB 1188**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1188

An Act to repeal sections 221.070, 488.4014, 488.5320, and 595.045, RSMo, and to enact in lieu thereof four new sections relating to the criminal justice system, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **HB 1188** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 1188** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Childers	Goode	Kinder	Quick--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1192**, with **SCS**, entitled:

An Act to repeal sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, and 267.556, RSMo, and to enact in lieu thereof one new section relating to animal health and inspection.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

SCS for HCS for HB 1192, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1192

An Act to repeal sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, 267.556, and 537.115, RSMo, and to enact in lieu thereof two new sections relating to animal health and inspection.

Was taken up.

Senator Cauthorn moved that **SCS for HCS for HB 1192** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS for HCS for HB 1192** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Klindt--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1126, introduced by Representative Seigfreid, et al, entitled:

An Act to repeal section 278.258, RSMo, and to enact in lieu thereof one new section relating to detachment from watershed districts.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 1126** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Klindt	Quick--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1616, introduced by Representative Hanaway, et al, entitled:

An Act to repeal sections 536.015, 536.021, 536.023, and 536.031, RSMo, and to enact in lieu thereof four new sections relating to the publication of administrative rules.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HB 1616** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Klindt	Quick	Russell	Stoll--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 1364, with **SCS**, introduced by Representative Bishop, et al, entitled:

An Act to repeal section 452.310, RSMo, and to enact in lieu thereof one new section relating to parenting plans.

Was called from the Consent Calendar and taken up by Senator Quick.

SCS for **HB 1364**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1364

An Act to repeal sections 452.310 and 452.455, RSMo, and to enact in lieu thereof two new sections relating to parenting plans, with an emergency clause.

Was taken up.

Senator Quick moved that **SCS** for **HB 1364** be adopted, which motion failed.

On motion of Senator Quick, **HB 1364** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Callahan	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators			
Caskey	Dougherty	Kennedy--3	
Absent--Senators			
Bray	Klindt--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **HS** for **HCS** for **HB 1453**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1268** and **1211**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1177**, with **SCS**, entitled:

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, and 644.016, RSMo, and to enact in lieu thereof nine new sections relating to concentrated animal feeding operations.

Was taken up by Senator Cauthorn.

SCS for **HCS** for **HB 1177**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1177An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, and 644.016, RSMo, and to enact in lieu thereof nine new sections relating to concentrated animal feeding operations.

Was taken up.

Senator Cauthorn moved that **SCS** for **HCS** for **HB 1177** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 9, Section 640.750, Line 3, by inserting immediately after said line the following:

"640.755. 1. No rule or portion of a rule promulgated under the authority of sections [640.700] **640.703** to 640.755 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

2. Sections 640.700 to 640.755 shall be administered by the clean water commission pursuant to the provisions and requirements of chapter 644, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Shields assumed the Chair.

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 6, Section 640.715, Line 21, by striking the word "processing" and inserting in lieu thereof the following: "**approving**".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 3, Section 640.710, Line 9, by striking the word "class I"; and further amend said line, by inserting immediately after the word "operations" the following: "**in accordance with the Missouri clean water law, sections 644.006 to 644.141, RSMo**".

Senator Cauthorn moved that the above amendment be adopted.

Senator Cauthorn offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 3, Section 640.710, Line 1, by striking "clean water commission shall have the"; and further amend said page and section, lines 2-4, by striking all of said lines and inserting in lieu thereof the following: "**clean water commission**"; and further amend said page and section, line 9, by striking "class I"; and further amend said line by inserting immediately after the word "operations" the following: "**in accordance with the Missouri clean water law, sections 644.006 to 644.141, RSMo**".

Senator Cauthorn moved that the above substitute amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 6, Section 640.715, Line 33, by inserting immediately after "facility]" the following: "**class IA**".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 9, Section 644.016, Line 20-28, by striking all of the bold-faced language from said lines; and

Further amend said bill, Page 12, Section 644.016, line 119, by inserting immediately after said line the following:

"644.051. 1. It is unlawful for any person:

- (1) To cause pollution of any waters of the state or to place or cause or permit to be placed any water contaminant in a location where it is reasonably certain to cause pollution of any waters of the state;
- (2) To discharge any water contaminants into any waters of the state which reduce the quality of such waters below the water quality standards established by the commission;
- (3) To violate any pretreatment and toxic material control regulations, or to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions as established by the commission or required by any federal water pollution control act;
- (4) To discharge any radiological, chemical, or biological warfare agent or high-level radioactive waste into the waters

of the state.

2. It shall be unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person holds a permit from the commission, subject to such exceptions as the commission may prescribe by rule or regulation. However, no permit shall be required of any person for any emission into publicly owned treatment facilities or into publicly owned sewer systems tributary to publicly owned treatment works.

3. Every proposed water contaminant or point source which, when constructed or installed or established, will be subject to any federal water pollution control act or sections 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make application to the director for a permit at least thirty days prior to the initiation of construction or installation or establishment. Every water contaminant or point source in existence when regulations or sections 644.006 to 644.141 become effective shall make application to the director for a permit within sixty days after the regulations or sections 644.006 to 644.141 become effective, whichever shall be earlier. The director shall promptly investigate each application, which investigation shall include such hearings and notice, and consideration of such comments and recommendations as required by sections 644.006 to 644.141 and any federal water pollution control act. **Notwithstanding the provisions of subsections 1 and 2 of this section to the contrary, notices of violation shall not be issued for an accidental or unintentional release of water contaminants where the water contaminants are entirely confined upon lands owned, leased, or otherwise controlled by a single person, or by two or more persons jointly or as tenants in common, and where the released water contaminants are removed, cleaned up, or remediated to the extent that any flow of water that leaves the property and enters the waters of the state does not exceed any of the standards, regulations, or limitations set forth in sections 644.006 to 644.141.** If the director determines that the source meets or will meet the requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto, the director shall issue a permit with such conditions as he or she deems necessary to ensure that the source will meet the requirements of sections 644.006 to 644.141 and any federal water pollution control act as it applies to sources in this state. If the director determines that the source does not meet or will not meet the requirements of either act and the regulations pursuant thereto, the director shall deny the permit pursuant to the applicable act and issue any notices required by sections 644.006 to 644.141 and any federal water pollution control act.

4. Before issuing a permit to build or enlarge a water contaminant or point source or reissuing any permit, the director shall issue such notices, conduct such hearings, and consider such factors, comments and recommendations as required by sections 644.006 to 644.141 or any federal water pollution control act. The director shall determine if any state or any provisions of any federal water pollution control act the state is required to enforce, any state or federal effluent limitations or regulations, water quality-related effluent limitations, national standards of performance, toxic and pretreatment standards, or water quality standards which apply to the source, or any such standards in the vicinity of the source, are being exceeded, and shall determine the impact on such water quality standards from the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall deny a permit if the source will violate any such acts, regulations, limitations or standards or will appreciably affect the water quality standards or the water quality standards are being substantially exceeded, unless the permit is issued with such conditions as to make the source comply with such requirements within an acceptable time schedule. Prior to the development or renewal of a general permit or permit by rule, for aquaculture, the director shall convene a meeting or meetings of permit holders and applicants to evaluate the impacts of permits and to discuss any terms and conditions that may be necessary to protect waters of the state. Following the discussions, the director shall finalize a draft permit that considers the comments of the meeting participants and post the draft permit on notice for public comment. The director shall concurrently post with the draft permit an explanation of the draft permit and shall identify types of facilities which are subject to the permit conditions. Affected public or applicants for new general permits, renewed general permits or permits by rule may request a hearing with respect to the new requirements in accordance with this section. If a request for a hearing is received, the commission shall hold a hearing to receive comments on issues of significant technical merit and concerns related to the responsibilities of the Missouri clean water law. The commission shall conduct such hearings in accordance with this section. After consideration of such comments, a final action on the permit shall be rendered. The time between the date of the hearing request and the hearing itself shall not be counted as time elapsed pursuant to subdivision (1) of subsection 13 of this section.

5. The director shall grant or deny the permit within sixty days after all requirements of the Federal Water Pollution Control Act concerning issuance of permits have been satisfied unless the application does not require any permit pursuant to any federal water pollution control act. The director or the commission may require the applicant to provide and maintain such facilities or to conduct such tests and monitor effluents as necessary to determine the nature, extent, quantity or degree of water contaminant discharged or released from the source, establish and maintain records and make reports regarding such determination.

6. The director shall promptly notify the applicant in writing of his or her action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the commission within thirty days of the notice of denial or issuance of the permit. The commission shall set the matter for hearing not less than thirty days after the notice of appeal is filed. In no event shall a permit constitute permission to violate the law or any standard, rule or regulation promulgated pursuant thereto.

7. In any hearing held pursuant to this section the burden of proof is on the applicant for a permit. Any decision of the commission made pursuant to a hearing held pursuant to this section is subject to judicial review as provided in section 644.071.

8. In any event, no permit issued pursuant to this section shall be issued if properly objected to by the federal government or any agency authorized to object pursuant to any federal water pollution control act unless the application does not require any permit pursuant to any federal water pollution control act.

9. Unless a site-specific permit is requested by the applicant, aquaculture facilities shall be governed by a general permit issued pursuant to this section with a fee not to exceed two hundred fifty dollars pursuant to subdivision (5) of subsection 6 of section 644.052. However, any aquaculture facility which materially violates the conditions and requirements of such permit may be required to obtain a site-specific permit.

10. No manufacturing or processing plant or operating location shall be required to pay more than one operating fee. Operating permits shall be

issued for a period not to exceed five years after date of issuance, except that general permits shall be issued for a five-year period, and also except that neither a construction nor an annual permit shall be required for a single residence's waste treatment facilities. Applications for renewal of an operating permit shall be filed at least one hundred eighty days prior to the expiration of the existing permit.

11. Every permit issued to municipal or any publicly owned treatment works or facility shall require the permittee to provide the clean water commission with adequate notice of any substantial new introductions of water contaminants or pollutants into such works or facility from any source for which such notice is required by sections 644.006 to 644.141 or any federal water pollution control act. Such permit shall also require the permittee to notify the clean water commission of any substantial change in volume or character of water contaminants or pollutants being introduced into its treatment works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility by a source which was introducing water contaminants or pollutants into its works at the time of issuance of the permit. Notice must describe the quality and quantity of effluent being introduced or to be introduced into such works or facility and the anticipated impact of such introduction on the quality or quantity of effluent to be released from such works or facility into waters of the state.

12. The director or the commission may require the filing or posting of a bond as a condition for the issuance of permits for construction of temporary or future water treatment facilities in an amount determined by the commission to be sufficient to ensure compliance with all provisions of sections 644.006 to 644.141, and any rules or regulations of the commission and any condition as to such construction in the permit. The bond shall be signed by the applicant as

principal, and by a corporate surety licensed to do business in the state of Missouri and approved by the commission.

The bond shall remain in effect until the terms and conditions of the permit are met and the provisions of sections 644.006 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

13. (1) The department shall issue or deny applications for construction and site-specific operating permits received after January 1, 2001, within one hundred eighty days of the department's receipt of an application. For general construction and operating permit applications received after January 1, 2001, that do not require a public participation process, the department shall issue or deny the requested permits within sixty days of the department's receipt of an application.

(2) If the department fails to issue or deny with good cause a construction or operating permit application within the time frames established in subdivision (1) of this subsection, the department shall refund the full amount of the initial application fee within forty-five days of failure to meet the established time frame. If the department fails to refund the application fee within forty-five days, the refund amount shall accrue interest at a rate established pursuant to section 32.065, RSMo.

(3) Permit fee disputes may be appealed to the commission within thirty days of the date established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute appealed to the commission, the commission may order the director to refund the applicant's permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and 536.087, RSMo. A refund of the initial application or annual fee does not waive the applicant's responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Cauthorn, **HCS** for **HB 1177**, with **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 767**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 824**, entitled:

An Act to repeal section 301.390, RSMo, and to enact in lieu thereof one new section relating to seizure of motor vehicles with altered or missing identification numbers, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 782**, entitled:

An Act to repeal sections 50.339, 54.150, 54.170, and 54.261, RSMo, and to enact in lieu thereof five new sections relating to county treasurers.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 769**, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of certain road districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 757**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 757, Page 10, Section 301.069, Line 12, by inserting after all of said line the following:

"302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

(1) Any person driving a farm vehicle as defined in section 302.700;

(2) Any active duty military personnel, members of the reserves and national guard on active duty, including personnel on full-time national guard duty, personnel on part-time training and national guard military technicians, while driving military vehicles for military purposes;

(3) Any person who drives emergency or fire equipment necessary to the preservation of life or property or the execution of emergency governmental functions under emergency conditions;

(4) Any person qualified to operate the equipment under subdivision (3) of this section when operating such equipment in other functions such as parades, special events, repair, service or other authorized movements;

(5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010 and 700.010, RSMo, for personal use; and

~~[(5)]~~ (6) Any other class of persons exempted by rule or regulation of the director, which rule or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any amendments or regulations drafted to that act.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol or a state park ranger, those vehicles operated by enforcement personnel [by the division of motor carrier and railroad safety of the department of economic development] **of the state highways and transportation commission**, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44, RSMo;

(7) Any vehicle operated by an authorized employee of the department of corrections, who as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire;

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions;

(3) The exemptions [herein] granted to an emergency vehicle **pursuant to subdivision (2) of this subsection** shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class C misdemeanor.

307.175. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022, RSMo, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and [while] using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, or rescue squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor."; and

Further amend said Bill, Page 13, Section 390.020, Line 124, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to ensure the efficient operation of emergency vehicles, the repeal and reenactment of sections 302.775, 304.022, and 307.775 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act

within the meaning of the constitution, and the repeal and reenactment of sections 302.775, 304.022, and 307.775 of section A of this act shall be in full force and effect upon its passage and approval.; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 901**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 901, Page 4, Section 260.370, Line 104, by inserting immediately after the words "**a conflict**" the following:

"**concerning authority for risk-based remediation rules**"; and

Further amend said page, line 105 of said page

by inserting immediately after the figure "**644.026**" the following:

"**(8)**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1099**, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HCS** for **HB 959** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1548**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 51--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SR 1877** and **SR 1878** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HS** for **HB 1021**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HS** for **HB 1409**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields assumed the Chair.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1880, regarding Jeffrey Shaw, which was adopted.

Senator Klindt offered Senate Resolution No. 1881, regarding Tracey Switzer, which was adopted.

Senator Goode offered Senate Resolution No. 1882, regarding Evelyn Marie Head, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1883, regarding the Right Reverend Monsignor Louis F. Meyer, St. Louis, which was adopted.

Senator Clemens offered Senate Resolution No. 1884, regarding Brad Risby, which was adopted.

Senator Childers offered Senate Resolution No. 1885, regarding Blue Eye Elementary School, which was adopted.

Senator Shields offered Senate Resolution No. 1886, regarding Ryan Sevcik, which was adopted.

Senator Gibbons offered Senate Resolution No. 1887, regarding Dr. Jessica Henderson-Boyd, St. Louis, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Nodler.

HOUSE BILLS ON THIRD READING

HB 996, introduced by Representative Dusenberg, et al, **HB 1142**, introduced by Representative Daus, et al, **HCS** for **HB 1201** and **HB 1489**, introduced by Representative Barnitz, et al, with **SCS**, entitled respectively:

An Act to repeal section 307.375, RSMo, and to enact in lieu thereof one new section relating to school bus inspections.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

An Act to repeal section 304.156, RSMo, and to enact in lieu thereof one new section relating to disposal of damaged vehicles.

An Act to repeal sections 301.010 and 304.013, RSMo, and to enact in lieu thereof two new sections relating to operation of all-terrain vehicles, with penalty provisions.

Were called from the Consent Calendar and taken up by Senator Bartle.

SCS for **HB 996**, **HB 1142**, **HCS** for **HB 1201** and **HB 1489**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 996

HOUSE BILL NO. 1142

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1201

AND HOUSE BILL NO. 1489

An Act to repeal sections 301.010, 304.013, 304.156, 307.172, 307.366, 307.375, and 643.315, RSMo, and to enact in lieu thereof eight new sections relating to motor vehicles, with penalty provisions.

Senator Bartle moved that **SCS** for **HB 996**, **HB 1142**, **HCS** for **HB 1201** and **HB 1489** be adopted.

Senator Goode requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 996, House Bill No. 1142, House Committee Substitute for House Bill No. 1201 and House Bill No. 1489, Page 16, Section 304.156, Line 141, by inserting after "days" the following: "**after the notice is sent pursuant to this subsection**"; and further amend line 145 by inserting after "days" the following: "**after the notice is sent pursuant to this subsection**"; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **SCS** for **HB 996, HB 1142, HCS** for **HB 1201** and **HB 1489**, as amended, be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HB 996, HB 1142, HCS** for **HB 1201** and **HB 1489**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel--28
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Jacob	Quick
Wheeler	Yeckel--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Cauthorn moved that **HCS** for **HB 1177**, with **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 5 was again taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 5, Section 640.715, Line 2, by deleting the word "**facility**" and inserting in lieu thereof the following: "**operation**"; and

Further amend said bill, Page 5, Section 640.715, Line 3, by deleting the word "**facility**" and inserting in lieu thereof

the following: "**operation**"; and

Further amend said bill, Page 5, Section 640.715, Line 4, by striking opening and closing brackets; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1177, Page 12, Section 644.016, Line 106, by striking the opening and closing brackets; and further amend said page, line 108, by inserting immediately after the word "indirectly" the following: ";"; and further amend said page lines 108-110, by striking all the bold language.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn moved that **SCS** for **HCS** for **HB 1177**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **HCS** for **HB 1177**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--24
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Quick--9			
Absent--Senator Stoll--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 980**, entitled:

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental rules.

Was taken up by Senator Klindt.

Senator Klindt offered **SS** for **HCS** for **HB 980**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 980

An Act to amend chapter 640, RSMo, by adding thereto three new sections relating to environmental regulation.

Senator Klindt moved that **SS** for **HCS** for **HB 980** be adopted.

Senator Foster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 980, Page 1, Section A, Line 3, by inserting after the following:

"256.603. As used in sections 256.600 to 256.640, the following terms mean:

(1) "Abandoned well", a well shall be deemed abandoned which is in such a state of disrepair that continued use for the purpose of thermal recovery or obtaining groundwater is impractical and which has not been in use for a period of two years or more. The term "abandoned well" includes a test hole or a monitoring well which was drilled in the exploration for minerals, or for geological, water quality or hydrologic data from the time that it is no longer used for exploratory purposes and that has not been plugged in accordance with rules and regulations pursuant to sections 256.600 to 256.640;

(2) "Board", the body created in section 256.605;

(3) "Certification report", a form to be sent to the division upon completion of any well which shows the location, static water level, total depth, initial [pumpage] **yield**, hole size, casing size and length, and name of well owner;

(4) "Division", the [division of geology and land survey] **geological survey and resource assessment division**;

(5) "Driller's log", a record accurately kept at the time of drilling showing the depth, thickness, character of the different strata penetrated, location of water-bearing strata, depth, size and character of casing installed, together with any other data or information required on the certification report forms;

(6) "Examination", an assessment of professional competency administered to applicants;

(7) "Heat pump installation contractor", any person, including owner, operator or drilling supervisor who engages for compensation in the drilling, boring, coring, or construction of any well in the state for extracting thermal energy;

(8) "Monitoring well installation contractor", any person, including owner, operator, or drilling supervisor who engages for compensation in the drilling, boring, coring, or construction of any well in this state which is drilled for geologic data, water quality, or hydrologic data;

(9) "Permitted well driller", any person who holds a permit issued pursuant to the provisions of sections 256.600 to 256.640;

(10) "Person", any individual, whether or not connected with a firm, partnership, association, corporation, or any other group or combination acting as a unit;

(11) "Pump installation contractor", any person, firm or corporation engaged in the business of installing or repairing pumps and pumping equipment;

(12) "Registration report", a form to be sent to the division upon completion of plugging of an abandoned well, raising

casings, lining wells, deepening of wells, major repairs and alterations, and jetted wells;

(13) "Well", an excavation that is drilled, cored, bored, washed, driven, dug, jetted, trenched, or otherwise constructed when the intended use of such excavation is for the acquisition of groundwater supply, for monitoring, thermal exchange or for exploration for minerals or geologic or hydrologic data; but such term does not include a cistern, an excavation made for the purpose of obtaining or for prospecting for oil or natural gas, or for construction foundation data, dewatering of construction sites or dewatering of existing structures, observation wells used as a part of an underground storage tank leak detection system of a minimal depth, as determined by the board by rule, or for inserting media to repressure oil or natural-gas-bearing formations;

(14) "Well installation contractor", any person, including owner, operator, and drilling supervisor who engages for compensation in the drilling, boring, coring, or construction of any well in this state. The term, however, shall not include any person who drills, bores, cores, or constructs a water well on [his] **the person's** own property for his **or her** own use or a person who assists in the construction of a water well under the direct supervision of a permitted well installation contractor and is not primarily responsible for drilling operations;

(15) "Well owner", any person or corporation who is the party responsible for having a well drilled and whose name appears on the well registration or certification form.

256.605. 1. The "Well Installation Board" is hereby established which shall be composed of nine members. Appointment to the board shall be made without regard to race, creed, sex, religion, or national origin of the appointees. Each member shall be a resident of the state and be conversant in well drilling, completion, and plugging methods and techniques.

2. Four members of the board shall hold valid permits under sections 256.600 to 256.640. Two of these shall hold permits as well installation contractors, one shall hold a permit as a heat pump installation contractor and as a well installation contractor and one shall hold a permit as a monitoring well installation contractor and as a well installation contractor. Four shall be public members **none of which are currently employed by the state**, one of these shall be a public water supply district user and one shall be a private well user. The director of the department or his designee shall serve as a member of the board. Board members shall serve four-year terms except that two of the first appointed public members and two of the first appointed members holding valid permits shall be appointed to two-year terms. Members shall be appointed by the governor with the advice and consent of the senate and each shall serve until his successor is duly appointed and qualified. Vacancies shall be filled by appointment for the unexpired term. Any member who fails to attend at least seventy-five percent of the regular board meetings in any one year, at the discretion of the board, shall be deemed to have resigned. Members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties while in attendance at board meetings out of appropriations made for that purpose.

3. A member shall not be employed by or own an interest in a company, firm, or business association which employs another member of the board or in which another member owns an interest, if the company, firm, or business association is engaged in any phase of the well drilling, pump installation, heat pump or monitoring well business.

4. Except for industry members, no member shall receive, or shall have received during the previous two years, income derived directly or indirectly from any permittee or applicant under sections 256.600 to 256.640.

5. The board shall meet on a quarterly basis, and special meetings may be called when deemed necessary by the division. A majority of the board is a quorum for conducting business. The board shall elect a chairman by a majority vote at the first meeting each year.

256.607. 1. No person may engage in business in this state as a well installation contractor, **pump installation contractor, heat pump installation contractor, or monitoring well installation contractor** unless he **or she** has obtained from the division a permit to conduct such business or businesses. **For violations of this subsection, the division shall assess a penalty fee of five hundred dollars for the first offense and two thousand dollars for each subsequent offense. Any moneys paid in penalty fees under this section shall be deposited into the groundwater protection fund.**

2. Nothing in sections 256.600 to 256.640 shall prevent a person who has not obtained a permit pursuant to sections 256.600 to 256.640 from constructing a well on his **or her** own or leased property intended for use only in a single-family house which is his **or her** permanent residence, or intended for use only for farming purposes on his **or her** farm, and where the waters to be produced are not intended for use by the public or in any residence other than his **or her** own. Such person shall comply with all rules and regulations as to construction of wells adopted under sections 256.600 to 256.640.

3. Any well installation contractor or pump installation contractor acting as the primary contractor in the construction, alteration, major repair or abandonment of any well shall be required to obtain a permit from the division and comply with all rules and regulations promulgated pursuant to sections 256.600 to 256.640.

4. Any heat pump installation contractor or monitoring well installation contractor shall obtain a permit from the division and comply with all rules and regulations pursuant to sections 256.600 to 256.640.

256.615. 1. Wells abandoned by the landowner after August 28, 1991, shall be plugged or caused to be plugged by the landowner according to the regulations developed pursuant to sections 256.600 to 256.640. If the department makes a finding that certain unusual conditions exist at a well, the department may require that the same be plugged by a permitted well driller **or pump installer**.

2. Any test hole which is drilled for underground exploration shall be plugged in accordance with rules and regulations developed pursuant to sections 256.600 to 256.640.

3. Any information obtained by the department which identifies a test hole or a monitoring well which was drilled in the exploration for minerals shall remain confidential and shall not be released by the division for a period of ten years following the receipt of the information which initially identified the test hole or monitoring well. The person submitting the report or the person for whom the well was drilled may request that such information remain confidential for an additional five years and the division shall grant such request. **Any persons providing information to the department of natural resources identifying violators of the water well drillers act or locations of abandoned wells that may pose a threat to groundwater shall remain anonymous and all information associated with such persons shall be treated as confidential information by the department and not disclosed to third parties absent a proper subpoena compelling the production of such information.** Any employee of the division who discloses confidential information shall be subject to disciplinary action by the division and is guilty of a class A misdemeanor.

256.627. 1. While in communication with the public concerning work performed by department of natural resources permitted contractors or work that may be required of a permitted contractor, all division personnel shall restrict distribution of information to the following:

(1) Work qualification status and limitations of any permitted contractor;

(2) General information concerning rules adopted under sections 256.600 to 256.640.

2. At no time during consultation with any person outside of division personnel shall a division employee offer specific technical advice or opinions concerning the activities or technical advice of a permitted contractor without a prior consultation with such permitted contractor."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Foster moved that the above amendment be adopted.

Senator Kennedy raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Klindt, **HCS** for **HB 980**, with **SS** (pending), was placed on the Informal Calendar.

HCS for **HB 1115** was placed on the Informal Calendar.

HCS for **HBs 998** and **905**, entitled:

An Act to amend chapter 700, RSMo, by adding thereto one new section relating to eviction notice provisions for manufactured or mobile home land lease communities.

Was taken up by Senator Griesheimer.

Senator Griesheimer offered **SS** for **HCS** for **HBs 998** and **905**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 998 and 905

An Act to amend chapter 700, RSMo, by adding thereto one new sections relating to manufactured homes, with penalty provisions.

Senator Griesheimer moved that **SS** for **HCS** for **HBs 998** and **905** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **HCS** for **HBs 998** and **905** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Jacob	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 833**, with **SCS**, entitled:

An Act to repeal sections 67.793 and 67.799, RSMo, and to enact in lieu thereof three new sections relating to the creation of exhibition center and recreational facility districts.

Was taken up by Senator Vogel.

SCS for **HCS** for **HB 833**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 833 An Act to repeal sections 67.793, 67.799, 67.1706, and 67.1754, RSMo, and to enact in lieu thereof twelve new sections relating to the creation of exhibition center and recreational facility districts.

Was taken up.

Senator Vogel moved that **SCS** for **HCS** for **HB 833** be adopted.

Senator Vogel offered **SS** for **SCS** for **HCS** for **HB 833**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 833

An Act to repeal sections 67.793, 67.799, 67.1706, and 67.1754, RSMo, and to enact in lieu thereof twelve new sections relating to the creation of exhibition center and recreational facility districts.

Senator Vogel moved that **SS** for **SCS** for **HCS** for **HB 833** be adopted.

President Maxwell assumed the Chair.

Senator Days offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 833, Page 1, In the Title, Lines 4-5, of said page by striking "the creation of exhibition center and recreational facility districts" and inserting in lieu thereof the following: "counties"; and

Further amend said bill, page 51, section 67.2530, line 7 of said page, by inserting after all of said line the following:

"144.757. 1. Any county or municipality, except municipalities within a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand may, by a majority vote of its governing body, impose a local use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a rate equal to the rate of the local sales tax in effect in such county or municipality; provided, however, that no ordinance or order enacted pursuant to sections 144.757 to 144.761 shall be effective unless the governing body of the county or municipality submits to the voters thereof at a municipal, county or state general, primary or special election [prior to August 7, 1996, or after December 31, 1996,] a proposal to authorize the governing body of the county or municipality to impose a local use tax pursuant to sections 144.757 to 144.761. Municipalities within a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand may, upon voter approval received pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section, impose a local use tax at the same rate as the local municipal sales tax with the revenues from all such municipal use taxes to be distributed pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within thirty days of the approval of the use tax imposed pursuant to paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890, RSMo, for distribution of all municipal use taxes.

2. (1) The ballot of submission, except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, currently (insert percent), provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(2) (a) The ballot of submission in a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of [preventing neighborhood decline, demolishing old deteriorating and vacant buildings, rehabilitating historic structures, cleaning polluted sites, promoting reinvestment in neighborhoods by creating the (name of county) Community Comeback Program; and for the purposes of] **economic development and** enhancing local government services[;], shall the county [governing body] be authorized to collect a local use tax equal to the total of the existing county sales tax rate of (insert tax rate), provided that if the county sales tax is repealed, reduced or raised by voter approval, the local use tax rate shall also be repealed, reduced or raised by the same voter action? [The Community Comeback Program] **Fifty percent of the revenue shall be used for economic development, including retention, creation, and attraction of better paying jobs, and fifty percent shall be used for enhancing local government services. The county** shall be required to [submit] **make available** to the public [a] **an audited** comprehensive financial report detailing the management and use of **economic development** funds each year.

A use tax is the equivalent of a sales tax on purchases from out-of-state sellers by in-state buyers and on certain taxable business transactions. A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(b) The ballot of submission in a municipality within a county [of the first classification] having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

Shall the municipality be authorized to impose a local use tax at the same rate as the local sales tax by a vote of the governing body, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the (city name) impose a local use tax at the same rate as the local sales tax, currently at a rate of

(insert percent) which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

(4) If any of such ballots are submitted on August 6, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect October 1, 1996, provided the director of revenue receives notice of adoption of the local use tax on or before August 16, 1996. If any of such ballots are submitted after December 31, 1996, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the calendar quarter which begins at least forty-five days after the director of revenue receives notice of adoption of the local use tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall have no power to impose the local use tax as herein authorized unless and until the governing body of the county or municipality shall again have submitted another proposal to authorize the governing body of the county or municipality to impose the local use tax [pursuant to sections 144.757 to 144.761] and such proposal is approved by a majority of the qualified voters voting thereon.

3. The local use tax may be imposed at the same rate as the local sales tax then currently in effect in the county or municipality upon all transactions which are subject to the taxes imposed pursuant to sections 144.600 to 144.745 within the county or municipality adopting such tax; provided, however, that if any local sales tax is repealed or the rate thereof is reduced or raised by voter approval, the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to 144.761 [and sections 67.478 to 67.493, RSMo], the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue pursuant to sections 144.757 to 144.761 on behalf of any county or municipality, less one percent for cost of collection, which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a local use tax trust fund, which fund shall be separate and apart from the local sales tax trust funds. The moneys in such local use tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each county or municipality imposing a local use tax, and the records shall be open to the inspection of officers of the county or municipality and to the public. No later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month, except as provided in subsection 2 of this section, to the county or municipality treasurer, or such other officer as may be designated by the county or municipality ordinance or order, of each county or municipality imposing the tax authorized by sections 144.757 to 144.761, the sum due the county or municipality as certified by the director of revenue.

2. The director of revenue shall distribute all moneys which would be due any county [of the first classification] having a charter form of government and having a population of nine hundred thousand or more to the county treasurer or such other officer as may be designated by county ordinance, who shall distribute such moneys as follows: the portion of the use tax imposed by the county which equals one-half the rate of sales tax in effect for such county shall be disbursed to the county [community comeback trust authorized pursuant to sections 67.478 to 67.493, RSMo] **treasurer for expenditure for economic development purposes, as defined in this section, subject to any**

qualifications and regulations adopted by ordinance of the county. Such ordinance shall require an audited comprehensive financial report detailing the management and use of economic development funds each year. Such ordinance shall require that the county and the municipal league of the county jointly prepare an economic development strategy to guide expenditures of funds and conduct an annual review of the strategy. The treasurer or such other officer as may be designated by county ordinance shall distribute one-third of the balance to the county and to each city, town and village in group B according to section 66.620, RSMo, as modified by this section, a portion of the **two-thirds** remainder of such balance equal to the percentage ratio that the population of each such city, town or village bears to the total population of all such group B cities, towns and villages. For the purposes of this subsection, population shall be determined by the last federal decennial census or the latest census that determines the total population of the county and all political subdivisions therein. For the purposes of this subsection, each city, town or village in group A according to section 66.620, RSMo, but whose per capita sales tax receipts during the preceding calendar year pursuant to sections 66.600 to 66.630, RSMo, were less than the per capita countywide average of all sales tax receipts during the preceding calendar year, shall be treated as a group B city, town or village until the per capita amount distributed to such city, town or village equals the difference between the per capita sales tax receipts during the preceding calendar year and the per capita countywide average of all sales tax receipts during the preceding calendar year.

3. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such counties or municipalities. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal, and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall authorize the state treasurer to remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

4. Except as modified in sections 144.757 to 144.761, all provisions of sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761, and the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax.

5. As used in this section, "economic development" means:

- (1) Expenditures for infrastructure and sites for business development or for public infrastructure projects;**
- (2) Purchase, assembly, clearance, demolition, environmental remediation, planning, redesign, reconstruction, rehabilitation, construction, modification or expansion of land, structures and facilities, public or private, either in connection with a reinvestment project in areas with underused, derelict, economically challenged, or environmentally troubled sites, or in connection with business attraction, retention, creation, or expansion;**
- (3) Expenditures related to business district activities such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches, and other public improvements;**
- (4) Expenditures for the provision of workforce training and educational support in connection with job creation, retention, attraction, and expansion;**
- (5) Development and operation of business incubator facilities, and related entre-preneurship support programs;**
- (6) Capitalization or guarantee of small business loan or equity funds;**
- (7) Expenditures for business development activities including attraction, creation, retention, and expansion;**

and

(8) Related administration expenses of economic and community development programs, provided that such expenses shall not exceed five percent of annual revenues.

644.032. 1. The governing body of any municipality or county may impose, by ordinance or order, a sales tax in an amount not to exceed one-half of one percent on all retail sales made in such municipality or county which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section and section 644.033 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax under the provisions of this section and section 644.033 shall be effective unless the governing body of the municipality or county submits to the voters of the municipality or county, at a municipal, county or state general, primary or special election, a proposal to authorize the governing body of the municipality or county to impose a tax, **provided, that the tax authorized by this section shall not be imposed on the sales of food, as defined in section 144.014, RSMo, when imposed by any county with a charter form of government and with more than one million inhabitants.**

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the municipality (county) of impose a sales tax of (insert amount) for the purpose of providing funding for (insert either storm water control, or local parks, or storm water control and local parks) for the municipality (county)?

[] YES [] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality or county shall not impose the sales tax authorized in this section and section 644.033 until the governing body of the municipality or county resubmits another proposal to authorize the governing body of the municipality or county to impose the sales tax authorized by this section and section 644.033 and such proposal is approved by a majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section and section 644.033 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section and section 644.033.

3. All revenue received by a municipality or county from the tax authorized under the provisions of this section and section 644.033 shall be deposited in a special trust fund and shall be used to provide funding for storm water control or for local parks, or both, within such municipality or county, provided that such revenue may be used for local parks outside such municipality or county if the municipality or county is engaged in a cooperative agreement pursuant to section 70.220, RSMo.

4. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal or county funds.

[67.478. Sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493 shall be known and may be cited as the "Community Comeback Act".]

[67.481. As used in sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, the following terms mean:

(1) "Community comeback plan" and "plan", a comprehensive countywide plan adopted by the community comeback trust board and the governing body of the county that identifies potential areas for reinvestment, projects and strategies to promote neighborhood reinvestment throughout the county, and that clearly identifies on a map the priority comeback communities. The plan shall be a five-year strategic and operating plan, complete with goals, objectives, targets and mechanisms or methods of measuring accomplishments, revised annually;

(2) "Community comeback program", "community comeback trust" and "trust", a fund held in the treasury of the

county which shall be the repository for all taxes and other moneys raised pursuant to sections 144.757 to 144.761, RSMo, and sections 67.478 to 67.493, and authorized by the governing body of the county for the purposes of promoting neighborhood reinvestment;

(3) "Community comeback program board", "community comeback trust board" and "board", the entity established pursuant to sections 67.478 to 67.493 that is responsible for administering the comeback community trust;

(4) "Community comeback trust citizen advisory committee" and "advisory committee", an eleven- member committee established pursuant to sections 67.478 to 67.493 that is responsible for advising the community comeback fund board on the best methods of promoting neighborhood reinvestment;

(5) "Eligible expenses", costs qualified for funding through the community comeback trust which are:

(a) Incurred for the purchase, assembly, clearance, demolition and environmental remediation of land, structures and facilities, public or private, either as part of a neighborhood reinvestment project or to prepare sites for future use in areas with underutilized, derelict, economically challenged or environmentally troubled sites;

(b) Related to planning, redesign, clearance, reconstruction, structure rehabilitation, site remediation, construction, modification, expansion, remodeling, structural alteration, replacement or renovation of any structure in a priority comeback community;

(c) Expended for capital improvements or infrastructure improvements to facilitate economic development;

(d) Expended for residential redevelopment including, but not limited to, buyouts, land-assembly costs, infrastructure improvements and costs associated with preparing sites for housing construction; professional service expenses such as architectural, planning, engineering, design, marketing or other related expenses;

(e) Related to community improvement district or special business district expenses such as facade improvements, landscaping, street lighting, sidewalk construction, trash receptacles, park benches and other public improvements;

(f) Expenses related to facilitating transit-oriented developments, home improvement and home buyer loan programs; and

(g) Expenses eligible for funding through the select neighborhood action program;

(6) "Neighborhood reinvestment project" and "project", the planning, development, redesign, clearance, reconstruction or rehabilitation or any combination thereof in order to improve those residential, commercial, industrial, public or other structures or spaces and the infrastructure serving them as may be appropriate or necessary in the interest of the general welfare;

(7) "Petition", a petitioner's request for funding made to the community comeback trust;

(8) "Petitioner", the governing body of any municipality, the governing body of the county, any land clearance for redevelopment authority within the county organized pursuant to chapter 99, RSMo, or any not-for-profit economic development organization with a governing board not less than two-thirds of the members of which are appointed by the chief elected official of the county or by one or more organizations with governing boards appointed by the chief elected official;

(9) "Priority comeback community", an area in a county which encompasses an entire United States census block group and has a median household income below the median household income for such entire county;

(10) "Priority comeback project", a funding proposal submitted to a community comeback trust by a petitioner whose area is substantially within a priority comeback community;

(11) "Proposal", a petitioner's funding request for the eligible expenses of a neighborhood reinvestment project

submitted to a trust by a petitioner;

(12) "Select neighborhood action program" and "SNAP", a grant program, administered and funded pursuant to subsection 5 of section 67.490;

(13) "Select neighborhood action program applicant" and "SNAP applicant", a neighborhood organization or not-for-profit organization whose mission is consistent with the community comeback plan. The organization shall have a municipal sponsor or a county sponsor if the area is unincorporated. The organization shall have been in existence for at least six months and meet at least once a year in order to be eligible for a SNAP grant;

(14) "SNAP grant", an endowment of money by the board to a SNAP applicant pursuant to subsection 5 of section 67.490.]

[67.484. 1. A community comeback trust may be created, incorporated and managed pursuant to this section by any county of the first classification with a charter form of government and a population of at least nine hundred thousand inhabitants according to the last decennial census, and may exercise the powers given to such trust pursuant to sections 67.478 to 67.493. A trust may sue and be sued, issue general revenue bonds and receive county use tax revenue pursuant to the limitations of this section. A trust shall have as its primary duties the prevention of neighborhood decline, the demolition of old deteriorating and vacant buildings, rehabilitating historic structures, the cleaning of polluted sites and the promotion of neighborhood reinvestment where such investment is essential to reverse or stabilize a stagnant or declining pattern in household income, assessed values, occupancies and related characteristics.

2. The governing body of the county is hereby authorized to impose by ordinance a local use tax pursuant to sections 144.757 to 144.761, RSMo, for the purpose of funding the creation, operation and maintenance of a community comeback trust, as well as to provide revenue to the county and municipalities authorized to receive moneys generated by said tax pursuant to section 144.759, RSMo. The governing body of the county enacting such an ordinance shall submit to the voters of such county a proposal to approve its ordinance imposing the tax. Such ordinance shall become effective only after the majority of the voters voting on such ordinance approve such ordinance. The question shall be submitted to the voters in the county pursuant to section 144.757, RSMo.

3. (1) The community comeback trust board shall be composed of seven members as provided in this subsection. No member shall be an elected official, employee or contractor of the county or any municipality within the county or of any organization representing the county or any municipality within the county. Board members shall be citizens of the United States and shall reside within the county. No two members of the board shall be residents of the same county council district of such county. No member shall receive compensation for performance of board duties. No member shall be financially interested directly or indirectly in any contract entered into by the trust or by any petitioner. In the event that any property owned by a board member or the immediate family member of such board member is located in a priority comeback community, the member shall disclose such information to the board and abstain from any formal or informal actions regarding any project in that neighborhood.

(2) The chief elected official of any municipality wholly within the county and any member of the governing body of the county shall nominate individuals to serve on the board by providing a list of nominees to the county executive who shall appoint the members. Of the total members, at least four shall be residents of municipalities within the county and at least one shall have each of the following professions: a professional architect or engineer; an urban planner or design professional; a developer or builder; and an accountant or an attorney.

(3) The seat of a member shall be automatically vacated when the member changes his or her residence so as to no longer conform to the terms of the requirements of the member's appointment. The board shall promptly notify the county executive of such a change of residence, the pending expiration of any member's term, any member's need to vacate his or her seat or any vacancy on the board. A member whose term has expired shall continue to serve until the successor is appointed and qualified.

(4) Upon the passage of an ordinance by the governing body of the county establishing the community comeback trust, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected officials of each municipality wholly in the county.

(5) Each of the nominating authorities described in subdivision (2) of this subsection shall, within forty-five days of the passage of the ordinance establishing the board or within fourteen days of being notified of a board vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the ordinance or within thirty days of being notified by the board of a vacancy on the board. If a list of nominees is not sub-mitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section.

(6) At the first meeting of the board appointed after the effective date of the ordinance, the members shall choose by lot the length of their terms. Three shall serve for one year, two for two years, and two for three years. All succeeding members shall serve terms of three years. Terms shall end on December thirty-first of the respective year. No member shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

4. The board, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo. The board shall enact and adopt all rules, regulations and procedures that are reasonably necessary to achieve the objectives of sections 67.478 to 67.493, and not inconsistent therewith, no sooner than twenty-seven calendar days after notifying all municipalities and the county of the proposed rule, regulation or procedure enactment or change. Notice may be given by ordinary mail, by electronic mail or by publishing in at least one newspaper of general circulation qualified to publish legal notices. No new or amended rule, regulation or procedure shall apply retroactively to any proposal pending before the trust without the agreement of the petitioner. The board shall have the exclusive control of the expenditures of all money collected to the credit of the trust, subject to annual appropriations by the governing body of the county. The county government shall provide the trust staff. No more than five percent of the trust's annual budget shall be used for the trust's annual administrative expenses.

5. The trust is authorized to issue bonds, notes or other obligations for any proposal, and to refund such bonds, notes or obligations, as provided in subsection 3 of this section; and to receive and liquidate property, both real and personal, or money which has been granted, donated, devised or bequeathed to the district. The trust shall not have any power of eminent domain.

6. (1) Bonds issued pursuant to this section shall be issued pursuant to a resolution adopted by five-sevenths of the board which shall set out the estimated cost to the trust of the proposed improvements, and shall further set out the amount of the bonds to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection with such bonds. Any such bonds may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(2) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at rate or rates determined by the trust, shall mature within a period not exceeding twenty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of such bonds. Bonds issued by the trust shall possess all of the qualities of negotiable instruments pursuant to the laws of this state.

(3) Such bonds may be payable to the bearer, may be registered or coupon bonds, and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing such bonds, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached thereto shall be signed in such manner and by such officers of the district as may be provided by the resolution authorizing the bonds. The trust may provide for the replacement of any bond which has become mutilated, destroyed or lost.

(4) Bonds issued by the trust shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the trust fund, including revenues derived from use taxes. Neither the board members nor any person executing the bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to this section shall not constitute a debt, liability or obligation of this state, or any political subdivision of this state, nor shall any such obligations be a pledge of the faith and credit of this state, but shall be payable solely from the revenues and assets held by the trust. The issuance of bonds pursuant to this section shall not directly, indirectly or

contingently obligate this state or any political subdivision of this state to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to this section shall contain on its face a statement to the effect that the trust shall not be obligated to pay such bond nor interest on such bond except from the revenues received by the trust or assets of the trust lawfully pledged for such trust, and that neither the faith or credit nor the taxing power of this state or of any political subdivision of this state is pledged to the payment of the principal of or the interest on such obligation or bond. The proceeds of such bonds shall be disbursed in such manner and pursuant to such restrictions as the trust may provide in the resolution authorizing the issuance of such bonds.

(5) The trust may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities or land to be acquired, leased or subleased by the trust, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and the accrued interest on such bonds to the date of such refunding, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The board shall provide for the payment of interest and principal of such refunding bonds in the same manner as was provided for the payment of interest and principal of the bonds refunded.

(6) In the event that any of the members or officers of the trust whose names appear on any bonds or coupons shall cease to be on the board or cease to be an officer before the delivery of such bonds, such signatures shall remain valid and sufficient for all purposes, the same as if such board members or officers had remained in office until such delivery.

(7) The trust is hereby declared to be performing a public function and bonds of the trust are declared to be issued for an essential public and governmental purpose, and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by this state. All purchases in excess of ten thousand dollars shall be made pursuant to the lowest and best bid standard as provided in section 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided in section 34.042, RSMo. The board of the trust shall have the same discretion, powers and duties as the commissioner of administration has in sections 34.040 and 34.042, RSMo.]

[67.487. 1. Within fourteen days of the first meeting of the first board appointed following the effective date of the ordinance, the board shall notify by mail the chief elected officials of all municipalities wholly within the county, the chief elected official of the county and all the members of the governing body of the county of the requirement to conduct a planning process and adopt a community comeback plan.

2. The board shall solicit full citizen, county and municipal involvement in developing the plan. The board shall conduct public hearings throughout the county to seek input regarding the plan, and may convene meetings with the appropriate staff of the county and municipalities in order to seek input and to coordinate the logistics of producing the plan. A copy of the plan shall be sent to the chief elected official of every municipality wholly within the county, the chief elected official of the county and each member of the governing body of the county.

3. The board and the governing body of the county shall annually revise and adopt a plan.

4. Each plan shall include a map of the county, as well as a text enumerating the efforts expected each year in the various subregions of the county. Each plan shall address the factors that are causing or are likely to cause one or more of the following:

- (1) Assessed values below the county average;
- (2) Median household incomes below the county median;
- (3) An unemployment rate above the county average;
- (4) A reduction in the number of jobs with an emphasis upon those jobs paying average or above-average salaries;
- (5) Failure to keep pace with the average growth rate in home values in the metropolitan area or county; and

(6) A high vacancy rate among residential, commercial and industrial properties.

5. Each plan shall include an analysis of the condition of the housing stock in the various subregions of the county, a market analysis of the home-buying market with a focus on the impediments to attracting home buyers to those subregions and an analysis of the physical infrastructure needs that prevent economic growth.

6. The board may consider the following factors when determining the appropriate areas and strategies for investment:

(1) Buildings that are unsafe or unhealthy for occupancy due to code violations, dilapidation, defective design, faulty utilities or any other negative conditions;

(2) Factors that prevent or substantially hinder the economically viable use of buildings or lots, such as substandard design, inadequate size, lack of parking or any other conditions;

(3) Incompatible uses that prevent economic development;

(4) Subdivided lots of irregular form and shape and inadequate size for proper usefulness that have multiple ownership;

(5) Depreciated or stagnant property values, including properties that contain hazardous wastes;

(6) Abnormally high business vacancies, abnormally low lease rates, high turnover rates, abandoned buildings, or excessive vacant lots within an area developed for urban use and served by utilities;

(7) The existence of conditions that are not conducive to public safety; and

(8) The lack of necessary commercial facilities normally found in neighborhoods.

7. Each plan shall outline specific strategies to address the problems facing the various subregions and neighborhoods within the county. The plan shall also discuss the partnerships that can be made with federal, state and local governments, as well as businesses, labor organizations, nonprofit groups, religious and other groups and citizens to help implement the plan. These strategies shall include estimated costs and time lines for completion.

8. The board shall produce an annual report focusing on the accomplishments of the trust relative to the goals set forth in the plan, the goals for the next year and the challenges facing the trust. The annual report shall be given to the chief elected officials of all the municipalities wholly within the county, the chief elected official of the county, the members of the governing board of the county and the public libraries within the county, and shall be posted on the county Internet web site.

9. Every year, the board shall commission an independent financial audit, the report of which shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section.

10. Every five years, the board shall commission an independent management audit. The management audit shall include a comprehensive analysis of development trends, factors and practices along with specific recommendations to improve the trust's ability to achieve its mission. The management audit shall be reviewed by the advisory committee which may offer constructive advice on enhancing practices in order to achieve the goals of the program. The management audit shall be distributed in the same manner as the annual report pursuant to subsection 8 of this section. The board is authorized to take any necessary and proper steps to address the issues and recommendations contained within the management audit.

11. (1) The board shall establish an eleven-member advisory committee that shall meet four times each year and shall advise petitioners, staff and the board. The advisory committee members shall be appointed by the county executive. At least six of the advisory committee's members shall be nominated by the municipal league within the county and at least three shall be nominated by the members of the governing body of the county. No advisory committee member shall receive compensation for performance of duties as a committee member.

(2) At least one of the advisory committee members shall be a university professor well-versed in regional development issues. At least two of the advisory committee members shall be municipal officials from communities that have undertaken redevelopment programs as part of larger planning efforts. At least one of the advisory committee members shall be an attorney with experience in redevelopment activities. At least two of the advisory committee members shall be residents of priority comeback communities who have been active in advocating effective redevelopment policies. At least one of the advisory committee members shall be a private professional familiar with the factors influencing business location decisions. At least one of the advisory committee members shall be an individual familiar with education and training practices and workforce needs, with an understanding of how labor availability impacts business location decisions. At least one of the advisory committee members shall be a planner from the private sector knowledgeable in the area of strategic planning and the principles of multiyear rolling plans.

(3) The advisory committee shall promptly notify the county executive of the pending expiration of any member's term or any vacancy on the advisory committee. A member whose term has expired shall continue to serve until his or her successor is appointed and qualified.

(4) The board shall establish the advisory committee by resolution at the board's first meeting. The board shall, within ten days of the passage of the resolution establishing the advisory committee, send by United States mail written notice of the passage of the resolution to the county's municipal league and the members of the governing body of the county. The municipal league and the members of the governing board of the county shall, within forty-five days of the passage of the resolution establishing the advisory committee or within fourteen days of being notified of a vacancy by the county executive, submit its list of nominees to the county executive. The county executive shall appoint members within sixty days of the passage of the resolution or within thirty days of being notified by the committee of a vacancy on the advisory committee. If a list of nominees is not submitted by the time specified, the county executive shall appoint the members using the criteria set forth in this section before the sixtieth day from the passage of the resolution or before the thirtieth day from being notified of a vacancy on the existing advisory committee.

(5) At the advisory committee's first meeting, the members shall choose by lot the length of their terms. Two shall serve for one year, three for two years, three for three years and three for four years. All succeeding committee members shall serve for four years. Terms shall end on December thirty-first of the respective year.

(6) The committee members shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records pursuant to chapter 610, RSMo.]

[67.490. 1. The board shall in a timely manner adopt rules setting forth basic guidelines for acceptance and evaluation of petitions, including a common understandable format, as well as appropriate supporting material, maps, plans and data. The board shall begin to accept petitions one month after the adoption of the plan by the governing body of the county pursuant to section 67.487. The board shall review all petitions submitted by any petitioner. Review shall begin no later than thirty days after submission of the petition to the commission. In order to qualify as a proposal, a petition shall address the criteria set forth in subsection 4 of this section. For the purposes of this subsection, the term "pending" means any proposal submitted to the board which has not yet been approved by the board.

2. When practical, a petition shall be initially submitted to the advisory committee for constructive review and comment in a manner likely to result in a proposal that addresses a strategy outlined in the plan.

3. The board shall hold a public hearing concerning the petition, which may be on the same day as a scheduled meeting of the board.

4. (1) In reviewing any petition for funding, the board shall first determine if funds are sought for eligible expenses for a neighborhood reinvestment project. If the petition seeks such funds, the board shall certify such petition as a proposal subject to further review unless the board finds that the petition seeks funds for expenses that do not qualify as eligible expenses, or seeks funds for an endeavor other than a neighborhood reinvestment project. If the board finds that funds are sought for ineligible expenses or for an ineligible endeavor, the board need not take any further action and shall notify the petitioner in writing of all deficiencies that prevent the petition from being a proposal. If the board determines that there is a minor error or discrepancy in a petition, the board, with the petitioner's concurrence, may

make such changes to the petition as are necessary to rectify the error that prevents the petition from being certified as a proposal subject to further review. Within six months of certification of a petition as a proposal, the board shall issue a finding approving or disapproving such proposal. In disapproving any proposal, the board shall issue a document indicating the reasons that the proposal was disapproved.

(2) If the board determines that a proposal is a priority comeback project consistent with the strategies and priorities set forth in the community comeback plan and that the project is well-planned, realistic, creative, resourceful, benefits the local community and is cost-effective, then the board shall award funding. If the board determines that a proposal is a priority comeback project, but is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well-planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

- (a) Reducing or removing impediments to attracting home buyers;
- (b) Providing the necessary physical infrastructure needed to promote significant job growth;
- (c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use.

(3) If the board determines that a proposal, which is not a priority comeback project, is consistent with the strategies and priorities set forth in the community comeback plan and is well-planned, realistic, creative, resourceful, benefits the local community and is cost-effective, the board may award funding if the board adds such proposal to the plan. If the board determines that a proposal, which is not a priority comeback project, is inconsistent with the strategies and priorities in the community comeback plan, the board may award funding if it finds that the project is well-planned, realistic, creative, resourceful, benefits the local community, is cost-effective and addresses the reinvestment needs of neighborhoods by one or more of the following:

- (a) Reducing or removing impediments to attracting home buyers;
- (b) Providing the necessary physical infrastructure needed to promote significant job growth;
- (c) Reducing or removing any such factor or factors that constitute an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use.

(4) The board, the advisory committee and the staff of both may advise petitioners on issues related to petitions or proposals. The board may meet informally, subject to the requirements of chapter 610, RSMo, with representatives of potential petitioners with regard to future petitions and plans.

5. The board shall establish a select neighborhood action program. SNAP applicants shall provide a ten-percent cash or in-kind match to be eligible for a SNAP grant. Project categories eligible for SNAP grant funding shall be:

- (1) Neighborhood beautification projects which enhance the appearance of the overall neighborhood. Such projects include, but are not limited to, tree and flower plantings, cleanups, entranceway landscaping, community gardens, public art and neighborhood identification signs/banners;
- (2) Neighborhood organization or capacity projects which create or increase membership in a neighborhood organization promoting community betterment. Such projects include, but are not limited to, neighborhood newsletters, neighborhood marketing brochures, neighborhood meetings and special events, and technology such as web site development;
- (3) Neighborhood-school partnership projects which benefit a school and the adjacent neighborhood. Involvement of both the school and the neighborhood in planning, implementation and maintenance must be substantiated. Partnership projects include, but are not limited to, youth and community programs that promote safety, culture or the environment and that are beneficial to both the school and the neighborhood;

(4) Capital purchase projects which include the acquisition of equipment or property. Such projects include, but are not limited to, land acquisition, playground equipment, bicycle racks and major supplies;

(5) Neighborhood improvement projects which benefit the local infrastructure in a neighborhood, and include construction of sidewalks or installation of streetlights.

6. Project categories ineligible for SNAP grant funding shall be:

(1) Projects accomplished in more than twelve months;

(2) Projects that duplicate existing private or public programs;

(3) Projects that require ongoing services, or requests to support continual operating budgets; and

(4) Projects that conflict with the community comeback plan.

7. When making SNAP grant funding decisions, the board shall consider the level of neighborhood participation including the percentage of residents who are involved in planning and implementing the idea, the diversity of parties involved or that will benefit, and the amount of neighborhood opposition; the community benefit of the project, including the number of people who will benefit from the project and the overall quality of the project.]]

[67.493. Of the funds available to the trust, a minimum of five percent of the funds, not to exceed an unallocated balance of five hundred thousand dollars rolled over from the previous fiscal year, shall be set aside annually for the SNAP grant program. Of the remaining funds seventy- five percent calculated on a rolling three-year average shall be set aside for priority comeback projects. The balance of the funds shall be used to indirectly or directly benefit priority comeback communities or residents of those areas by utilizing such funds to:

(1) Promote job preparation and job creation in areas easily accessed by residents of priority comeback communities;

(2) Improve neighborhoods adjacent to priority comeback communities that are unlikely to be improved without such funding; and

(3) Abate through low-interest home improvement loan programs or similar mechanisms the functional or marketable obsolescence of any owner- occupied residential structure over twenty-five years old which is located within a census block group below one hundred ten percent of the median income level for the metropolitan statistical area for this state; provided that, there is a significant threat of economic decline within the area without intervention by the trust.]]"; and

Further amend the title and enacting clause accordingly.

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Vogel moved that **SS** for **SCS** for **HCS** for **HB 833**, as amended, be adopted, which motion prevailed.

On motion of Senator Vogel, **SS** for **SCS** for **HCS** for **HB 833**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott

Shields
Wheeler

Steelman
Yeckel--34
NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

Stoll

Vogel

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

At the request of Senator Shields, **HCS** for **HB 898**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 946, 1106 and 952**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 1487**, introduced by Representative Self, entitled:

An Act to repeal section 565.110, RSMo, and to enact in lieu thereof two new sections relating to kidnapping, with penalty provisions and an emergency clause.

Was taken up by Senator Scott.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 1487, Page 1, In the Title, Line 3, by striking "kidnapping" and inserting in lieu thereof the following: "human exploitation"; and

Further amend said bill, Page 2, Section 565.115, Line 7, by inserting after all of said line the following:

"566.200. As used in sections 566.200 to 566.221, the following terms shall mean:

(1) "Basic rights information", information applicable to a noncitizen, including information about human rights, immigration, and emergency assistance and resources;

(2) "Client", a person who is a resident of the United States and the state of Missouri and who contracts with an international matchmaking organization to meet recruits;

(3) "Coercion",

(a) Threats of substantial bodily harm to or physical restraint against any person;

(b) Any scheme, plan, or pattern of behavior intended to cause a person to believe that failure to perform an act will result in substantial bodily harm to or physical restraint against any person; or

(c) The abuse or threatened abuse of the legal process;

(4) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(5) "Criminal history record information", criminal history record information, including information provided

in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;

(6) "International matchmaking organi-zation", a corporation, partnership, or other legal entity, whether or not organized pursuant to the laws of the United States or any state, that does business in the United States and for-profit offers to residents of Missouri, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States. Such business shall include, but is not limited to, the exchange of names, telephone numbers, addresses, or statistics, the selection of photographs, and creating a social environment provided by the organization in a country other than the United States. Such business shall not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits by such organization and the laws of the United States, or an organization that does not charge a fee to any party for the services provided;

(7) "Involuntary servitude", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(8) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international matchmaking organization;

(9) "Recruit", a non-citizen, non-resident, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

566.203. 1. A person commits the crime of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By threats of serious harm or physical restraint against such person or another person;

(2) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer substantial bodily harm or physical restraint; or

(3) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who pleads guilty to or is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of abuse through forced labor is a class B felony.

566.206. 1. A person commits the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if a person knowingly recruits, harbors, transports, provides, or obtains by any means, another person for labor or services.

2. A person who pleads guilty to or is found guilty of the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor is a class B felony.

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, transports, provides, or obtains by any means, another person for the use or employment of such person in sexual conduct as defined in section 556.061, RSMO, without his or her consent.

2. The crime of trafficking for the purposes of sexual exploitation is a class B felony.

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of eighteen to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act.

2. It shall not be an affirmative defense that the defendant reasonably believed that the person was eighteen years of age or older.

3. The crime of sexual trafficking of a child is a class A felony if the child is under the age of eighteen.

566.215. 1. A person commits the crime of contributing to human trafficking through the misuse of documentation when the individual knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing crimes or with the intent to commit crimes, pursuant to sections 566.200 to 566.221; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person, who is the victim of a crime committed pursuant to sections 566.200 to 566.221.

2. A person who pleads guilty to or is found guilty of the crime of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of contributing to human trafficking through the misuse of documentation is a class D felony.

566.218. A court sentencing an offender convicted of violating the provisions of sections 566.203, 566.206, 566.209, 566.212, and 566.215, shall order the offender to pay restitution to the victim of the offense.

566.221. 1. An international matchmaking organization shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international matchmaking organization shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international matchmaking organization receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international matchmaking organization shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international matchmaking organization; and

(3) Provide to the international match-making organization his or her own marital history information.

4. An international matchmaking organization shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international matchmaking organization shall not provide any further services to the client or the recruit until the organization has obtained the requested criminal history record information and marital history information and provided the information to the recruit.

6. An international matchmaking organization shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

8. It shall be a class D felony to wilfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.

566.223. Any individual who is alleging that a violation of sections 566.200 to 566.221 has occurred against his or her person, shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

567.030. 1. A person commits the crime of patronizing prostitution if he patronizes prostitution.

2. It shall not be an affirmative defense that the defendant reasonably believed that the person he or she patronized for prostitution was eighteen years of age or older.

3. Patronizing prostitution is a class B misdemeanor, unless the individual who the person is patronizing is under the age of eighteen but older than the age of fourteen, in which case patronizing prostitution is a class A misdemeanor.

4. Patronizing prostitution is a class D felony if the individual who the person patronizes is fourteen years of age or younger."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Quick offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Substitute for House Bill No. 1487, Page 4, Section 566.212, Line 27, by striking the word "reasonably".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Scott raised the point of order that **SA 1**, as amended, is out of order as it goes beyond the scope and purpose

of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Quick offered **SA 2** to **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Substitute for House Bill No. 1487, Page 7, Section 567.030, Line 23, by striking the word "reasonably".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Substitute for House Bill No. 1487, Page 1, In the Title, Line 3, by striking "kidnapping" and inserting in lieu thereof the following: "crimes against persons"; and

Further amend said bill, page 1, Section A, line 2, by inserting immediately after said line the following:

"556.037. **Notwithstanding** the provisions of section 556.036, [to the contrary notwithstanding,] prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within [ten] **twenty** years after the victim reaches the age of eighteen **unless the prosecutions are for forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.**"; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HS** for **HB 1487**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senator Champion--1		
	Absent--Senators		
Dolan	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senator Champion--1			
Absent--Senators			
Dolan	Quick	Russell--3	
Absent with leave--Senators--None			

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

HCS for **HB 1055** was placed on the Informal Calendar.

HCS for **HB 1215**, with **SCS**, entitled:

An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment, with a penalty provision and an emergency clause.

Was taken up by Senator Bartle.

SCS for **HCS** for **HB 1215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1215An Act to repeal section 575.195, RSMo, and to enact in lieu thereof one new section relating to escape from commitment, with a penalty provision and an emergency clause.

Was taken up.

Senator Bartle moved that **SCS** for **HCS** for **HB 1215** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **HCS** for **HB 1215** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy

Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Coleman Mathewson--2

Absent with leave--Senators--None

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1207** was placed on the Informal Calendar.

HS for **HB 1193**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1278**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1209** was placed on the Informal Calendar.

HCS for **HBs 1074** and **1129**, with **SCS**, entitled:

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to cross burning, with a penalty provision.

Was taken up by Senator Kinder.

SCS for **HCS** for **HBs 1074** and **1129**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1074 and 1129An Act to amend chapter 574, RSMo, by adding thereto one new section relating to the burning of crosses, with penalty provisions.

Was taken up.

Senator Kinder moved that **SCS** for **HCS** for **HBs 1074** and **1129** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **HCS** for **HBs 1074** and **1129** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1439** was placed on the Informal Calendar.

HCS for **HB 1617**, entitled:

An Act to amend chapter 409, RSMo, by adding thereto six new sections relating to obstruction of securities investigations, with penalty provisions.

Was taken up by Senator Bartle.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1617, Page 1, Section 409.109, Line 3, by striking the following words: "**The attorney general or the proper**" and inserting in lieu thereof: "**For prosecutions of violations of sections 409.108 to 409.114 the local county**".

Senator Caskey moved that the above amendment be adopted.

Senator Bartle offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1617, Page 1, Section 409.109, Line 3, by striking the following words: "**The attorney general or the proper**" and inserting in lieu thereof: "**For prosecutions of violations of sections 409.108 to 409.114 the local county**"; and

Further amend line 5, by adding at end of said line the following:

"If the proper prosecuting attorney refuses to bring charges under this section, the Attorney General shall have jurisdiction and proceed with prosecution under these sections".

Senator Bartle moved that the above substitute amendment be adopted, which motion prevailed.

On motion of Senator Bartle, **HCS** for **HB 1617**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bray	Coleman	Griesheimer	Wheeler--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HS** for **HB 1409**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

HB 1664 was placed on the Informal Calendar.

HS for **HCS** for **HB 1511**, introduced by Representative Byrd, entitled:

An Act to repeal sections 362.600, 456.010, 456.015, 456.016, 456.020, 456.030, 456.040, 456.050, 456.055, 456.060, 456.070, 456.072, 456.075, 456.080, 456.090, 456.100, 456.110, 456.120, 456.130, 456.140, 456.150, 456.160, 456.170, 456.180, 456.183, 456.185, 456.187,

456.190, 456.195, 456.200, 456.210, 456.220, 456.225, 456.230, 456.232, 456.233, 456.234, 456.235, 456.236, 456.240, 456.250, 456.260, 456.270, 456.280, 456.290, 456.300, 456.310, 456.320, 456.330, 456.340, 456.350, 456.400, 456.410, 456.420, 456.430, 456.440, 456.450, 456.460, 456.470, 456.480, 456.490, 456.500, 456.510, 456.520, 456.524, 456.530, 456.535, 456.540, 456.550, 456.560, 456.570, 456.580, 456.610, 456.620, 456.630, 456.640, 456.650, 456.660, 456.670, 456.900, 456.901, 456.902, 456.903, 456.904, 456.905, 456.906, 456.907, 456.908, 456.909, 456.910, 456.911, 456.912, 456.913, 469.401, 469.409, 469.411, 469.419, 469.423, 469.435, 469.449 and 469.453, RSMo, and to enact in lieu thereof one hundred fifty-one new sections relating to trust and estate administration.

Was taken up by Senator Caskey.

Senator Caskey offered **SS** for **HS** for **HCS** for **HB 1511**, entitled:

SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1511

An Act to repeal sections 301.681, 306.458, 306.461, 362.600, 456.010, 456.015, 456.016, 456.020, 456.030, 456.040, 456.050, 456.055, 456.060, 456.070, 456.072, 456.075, 456.080, 456.090, 456.100, 456.110, 456.120, 456.130, 456.140, 456.150, 456.160, 456.170, 456.180, 456.183, 456.185, 456.187, 456.190, 456.195, 456.200, 456.210, 456.220, 456.225, 456.230, 456.232, 456.233, 456.234, 456.235, 456.236, 456.240, 456.250, 456.260, 456.270, 456.280, 456.290, 456.300, 456.310, 456.320, 456.330, 456.340, 456.350, 456.400, 456.410, 456.420, 456.430, 456.440, 456.450, 456.460, 456.470, 456.480, 456.490, 456.500, 456.510, 456.520, 456.524, 456.530, 456.535, 456.540, 456.550, 456.560, 456.570, 456.580, 456.610, 456.620, 456.630, 456.640, 456.650, 456.660, 456.670, 456.900, 456.901, 456.902, 456.903, 456.904, 456.905, 456.906, 456.907, 456.908, 456.909, 456.910, 456.911, 456.912, 456.913, 461.300, 469.401, 469.409, 469.411, 469.419, 469.423, 469.435, 469.449 and 469.453, RSMo, and to enact in lieu thereof one hundred fifty-six new sections relating to trust and estate administration.

Senator Caskey moved that **SS** for **HS** for **HCS** for **HB 1511** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1511, Page 98, Section 461.300, Line 9, by inserting after "claimant" on said line: ", within sixteen months following the decedent's death".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **HS** for **HCS** for **HB 1511**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **HS** for **HCS** for **HB 1511**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Gross	Jacob

Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Griesheimer--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

At the request of Senator Shields, **HS** for **HCS** for **HB 1453**, with **SCS**, was placed on the Informal Calendar.

HB 1664, introduced by Representative Hanaway, et al, entitled:

An Act to repeal sections 347.020, 347.025, 347.039, 347.041, 347.047, 347.051, 347.055, 347.079, 347.081, 347.088, 347.129, 347.131, 347.153, 347.155, 347.159, 347.161, 347.169, 347.179, 347.725, 351.046, 351.050, 351.051, 351.055, 351.060, 351.085, 351.090, 351.095, 351.106, 351.107, 351.110, 351.115, 351.125, 351.180, 351.195, 351.200, 351.315, 351.355, 351.430, 351.435, 351.448, 351.657, 351.658, 355.011, 355.021, 355.146, 355.631, 356.071, 356.211, 358.440, 358.460, 358.490, 359.021, 359.031, 359.041, 359.121, 359.141, 359.172, 359.501, 359.531, 359.541, 417.210, 417.215, 417.217, and 417.220, RSMo, and to enact in lieu thereof sixty-five new sections relating to business entities, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HB 1664** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Griesheimer--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Yeckel moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 959**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Gross moved that **SS** for **SB 732**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 732**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 732

An Act to repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof nine new sections relating to recreation and entertainment districts.

Was taken up.

Senator Gross moved that **HCS** for **SS** for **SB 732** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Griesheimer	Quick--4
	Absent with leave--Senators--None		

On motion of Senator Gross, **HCS** for **SS** for **SB 732** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Griesheimer	Quick--4

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 1279**, entitled:

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Steelman moved that **SS** for **SCS** for **SB 1279**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 1279**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1279

An Act to repeal sections 192.020, 192.067, 192.138, 192.665, 192.667, and 197.293, RSMo, and to enact in lieu thereof seventeen new sections relating to health care facilities, with penalty provisions.

Was taken up.

Senator Steelman moved that **HCS** for **SS** for **SCS** for **SB 1279** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Goode	Griesheimer	Quick--3	
	Absent with leave--Senators--None		

On motion of Senator Steelman, **HCS** for **SS** for **SCS** for **SB 1279** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Champion	Griesheimer	Quick--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 782**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 782**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 782

An Act to repeal sections 50.339, 54.150, 54.170, and 54.261, RSMo, and to enact in lieu thereof five new sections relating to county treasurers.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 782** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Griesheimer	Mathewson	Quick--3
Absent with leave--Senators--None		

On motion of Senator Caskey, **HCS** for **SCS** for **SB 782** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 1012**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1012**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1012

An Act to repeal sections 139.031, 140.340, and 140.730, RSMo, and to enact in lieu thereof three new sections relating to the collection of taxes, with an emergency clause for a certain section.

Was taken up.

Senator Caskey moved that **HCS** for **SB 1012** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

On motion of Senator Caskey, **HCS** for **SB 1012** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Bartle moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS No. 2** for **SB 762**, entitled:

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 135.333, 167.020, 207.050, 207.060, 210.025,

210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 431.056, 452.310, 452.375, 452.400, 453.025, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-two new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 26, Section 168.283, Lines 23 and 24 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"department of revenue under section 302.272, RSMo."; and

Further amend said bill, Page 40, Section 210.109, Line 15 of said page, by inserting after the word **"assessment."** the following: **"The division may attempt to seek input from child welfare service providers in completing the initial family assessment.";** and

Further amend said bill, Page 42, Section 210.110, Line 17 of said page, by deleting all of said line and inserting in lieu thereof the following: **"public, quasi-public, or private entity with the";** and

Further amend said bill, Page 49, Section 210.112, Lines 20 and 21 of said page, by deleting all of said lines and inserting in lieu thereof the following: **"shall only apply to contract arrangements and family reunification services.";** and

Further amend said bill, Page 93, Section 210.482, Line 24 of said page, by deleting the words **"family support"** and inserting in lieu thereof the following: **"children's";** and

Further amend said bill, Page 94, Section 210.482, Line 1 of said page, by deleting the word **"applicant"** and inserting in lieu thereof the following: **"person with whom an emergency placement of a child will be made";** and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 51, Section 210.112, Line 14 of said page, by inserting after all of said line the following:

"7. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted." and renumber remaining subsections accordingly; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 15, Section 43.530, Lines 10 to 16 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"43.530. 1. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information not based on a fingerprint search **when the requesting entity is required to obtain such information by any provision of state or federal law** and pay a fee of not more than fourteen dollars per request for criminal history record information based on a fingerprint search **when the requesting entity is required to obtain such information by any provision of state or federal law; provided that, when the requesting entity is not required to obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars per request for criminal history record information not based on a fingerprint search and pay a fee of not more than twenty dollars per request for criminal history record information based on a fingerprint search.** Each such request shall be limited to check"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Section 167.020, Page 22, Line 17, by placing brackets around the words "twenty-one" on said line and inserting immediately thereafter the following: "**eighteen**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 112, Section 211.032, Lines 5-6, by deleting all of said lines and inserting in lieu thereof the following:

"4. Failure to hold and complete a protective custody hearing within the time specified in this section shall result in a dismissal of the case without prejudice by the court. If a case is dismissed without prejudice under this subsection, the division may retain custody of the child for up to twenty-four hours, and must release custody of the child unless the case is refiled within the twenty-four hours. In the event the case is refiled during the twenty-four hour period all time periods in this section shall re-start."; and

Further amend said bill, Section 211.032, by renumbering remaining sections accordingly; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 49, Section 210.112, Lines 15-21 of said page, by striking all of said lines and inserting in lieu thereof the following: "**contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of exceeding the case goals and the corresponding cost savings to the state. The division shall not include payment for residential treatment services within the case rate in any contract for comprehensive services. The division shall promulgate rules to implement the provisions of this subdivision.**".

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 29, Section 191.748, Lines 1 to 7 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"191.748. Every hospital and any health care facility licensed in this state that provides obstetrical services shall offer to all new mothers an opportunity to view with the father and other persons of the mother's choosing a video on the dangers of shaking a baby and shaken baby syndrome before the mother's discharge from the facility. Such video shall be approved by the department of health and senior services.; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, Page 168, Section 1, Line 19, by inserting after all of said line the following:

"2. Nothing in this section shall prevent the division or the court from exercising its discretion to return a child or children to the custody of any individual."; and

Further amend said section by renumbering the preceding subsection accordingly; and

Further amend said title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 960**, entitled:

An Act to repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof four new sections relating to property tax reassessment, with an effective date for a certain section.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 960, Page 14, Section 137.115, Line 159, by inserting after said line the following:

"137.720. 1. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. For counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys

for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund, an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, county governing body and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

4. Four years following the effective date, the state tax commission shall conduct a study to determine the impact of increased fees on assessed valuation.

5. Any increase to the portion of property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission certifies an equivalent sales ratio for the county of less than or equal to thirty-one and two-thirds percent pursuant to the provisions of section 138.395, RSMo.

6. The provisions of subsections 2, 4, and 5 of this section shall expire on December 31, 2009."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 959**, as amended: Senators Yeckel, Gross, Dolan, Mathewson and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended: Senators Gibbons, Vogel, Griesheimer, Goode and Bray.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1888, regarding Korey Schenewerk, which was adopted.

Senator Bartle offered Senate Resolution No. 1889, regarding Damon Thayer, which was adopted.

Senator Kennedy offered Senate Resolution No. 1890, regarding James Sondermann, which was adopted.

Senator Cauthorn offered Senate Resolution

No. 1891, regarding Deanna LaRue Smithson, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1892, regarding the One Hundred First Birthday of Manilus Stapleton, Canton, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1893, regarding Charlotte L. Murdock, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1894, regarding Robert L. McCollum, Macon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1895, regarding Melodye Harris-Juelfs, Ballwin, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Geraldine Roder and forty-five seventh grade students and adults from Winona Middle School, Winona.

Senator Cauthorn introduced to the Senate, Maurice and Helen Kreider, Palmyra.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SIXTH DAY-THURSDAY, MAY 6, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1099

HB 1548-Crawford THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-

Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HS for HB 1021-Bearden,

with SCS (Russell)

HS for HB 1409-Dempsey,

with SCS (Mathewson)

(In Fiscal Oversight) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for

SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 906-Foster, with SCS, SS for SCS &

SA 2 (pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)

HCS for HBs 946, 1106 & 952, with SCS (Dolan)

HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 980, with SS (pending) (Klindt)

HCS for HB 1055 (Vogel)

HCS for HB 1115 (Gross)

HCS for HB 1182, with SCS & SS for SCS

(pending) (Klindt)

HS for HB 1193-Self, with SCS (Loudon)

HS for HCS for HB 1207-Icet (Loudon)

HCS for HB 1209 (Kinder)

HS for HCS for HBs 1268 & 1211-Smith (118),

with SCS (Loudon)

HCS for HB 1278, with SCS (Loudon)

HCS for HB 1288, with SCS (Griesheimer)

HCS for HB 1439 (Dolan)

HS for HCS for HB 1453-Hanaway, with SCS

(Shields)

HB 1493-Emery, et al, with SCS (Steelman)
HS for HCS for HB 1566-Stefanick, with
SCS, SS for SCS, SS for SS for SCS,
SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/7

HB 1070-Miller, et al (Scott)

HCS for HB 985 (Childers)

HB 970-Portwood, et al (Shields)

Reported 4/13

HB 1187-Ervin, et al (Quick)

HB 1362-Hobbs, et al (Cauthorn)

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HB 1494-Ervin (Quick)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1508-Baker (Bartle)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 757-Shields, with HCA 1

SCS#2 for SB 762-Champion, with HS for

HCS, as amended

SB 769-Nodler, with HCS

SB 824-Griesheimer, with HCS

SB 884-Klindt, with HCS

SCS for SB 901-Goode, with HCA 1

SCS for SBs 942, 850 & 841-Nodler, with HCS

SCS for SB 945, SB 803 & SB 1257-Gibbons,

with HCS

SS for SCS for SB 960-Gibbons, with HCS,

as amended

SS for SCS for SB 1081-Kinder, et al,

with HS for HCS, as amended

SCS for SB 1091-Klindt, with HCS

SCS for SB 1093-Gibbons and Yeckel,

with HCS

SCS for SB 1106-Shields, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS
for HCS, as amended

HCS for HBs 795, 972, 1128 & 1161, with
SS for SCS, as amended (Childers)

HCS for HB 959, with SCS, as amended (Yeckel)

HS for HCS for HB 978-Baker, with SS,
as amended (Yeckel)

HS for HCS for HB 1006-Bearden, with
SCS (Russell)

HS for HCS for HB 1007-Bearden, with
SCS, as amended (Russell) (House
adopted CCR and passed CCS)

HS for HCS for HB 1008-Bearden, with
SCS (Russell)

HS for HCS for HB 1009-Bearden, with
SCS (Russell) (House adopted CCR and
passed CCS)

HS for HCS for HB 1010-Bearden, with
SCS, as amended (Russell) (House
adopted CCR and passed CCS)

HS for HCS for HB 1011-Bearden, with
SCS, as amended (Russell)

HS for HCS for HB 1012-Bearden, with

SCS, as amended (Russell)

HCS for HB 1305, with SCS, as amended

(Scott)

RESOLUTIONS

Reported from Committee

SCR 45-Dougherty

SCR 46-Gross

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY--THURSDAY, MAY 6, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Bless the Lord, O my soul, and all that is within me, bless his holy name." (Psalm 103:1)

Gracious Lord, thank You for the courage to be first of all Your servant, then servant to the people of Missouri. Help us to focus on You this day. And we pray for Governor Holden at the death of his mother, that You may comfort him and his family with Your peace and mercy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

The Senate observed a moment of silence in memory of the late Wanda Mae Holden.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1896, regarding Justin Collier, which was adopted.

Senator Loudon offered Senate Resolution No. 1897, regarding Erik Shelquist, which was adopted.

Senator Vogel offered Senate Resolution No. 1898, regarding Linda L. Jensen-Rapps, Holts Summit, which was adopted.

Senator Vogel offered Senate Resolution No. 1899, regarding Patricia Lee Stroud Gifford, Jefferson City, which was adopted.

Senator Klindt offered Senate Resolution No. 1900, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ivan Walker, Skidmore, which was adopted.

Senator Klindt offered Senate Resolution No. 1901, regarding Jacob Michael Weaver, Princeton, which was adopted.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HJR**s 39, 38, 42 and 47 begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB** 1093, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HCS** for **HB** 1195, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB** 955, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB** 1665, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB** 841, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB** 1277, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HBs 1286** and **1175**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **HB 956**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HBs 1098** and **949**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 1599**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HCS** for **HB 1150**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **HS** for **HCS** for **HB 1433**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields assumed the Chair.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Kenneth D. Minton, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Paul Thomas Mechsner, as a member of the Missouri State Board of Accountancy;

Also,

Roger Obermeier, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Annie R. Dixon, as a member of the State Board of Barber Examiners;

Also,

James D. Hill, as a member of the Missouri Development Finance Board;

Also,

Judith M. Landvatter, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Donna Ostercamp, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

David P. Ballenger, as public member of the Peace Officer Standards and Training Commission;

Also,

Robert Estes, as a member of the State Committee of Marital and Family Therapists;

Also,

Jennifer Hill Nixon, as a member of the Central Missouri State University Board of Governors;

Also,

Walter Foster, Jr., as a member of the Corrections Officer Certification Commission;

Also,

Robert G. Hughs, as student representative of the Missouri Western State College Board of Regents;

Also,

Amanda Beth Skaggs, as a member of the Missouri State Board of Nursing;

Also,

Charles "Denny" Fitterling, as a member of the Board of Therapeutic Massage;

Also,

Robert L. Simpson and Michael E. Dunard, as members of the Missouri Ethics Commission;

Also,

Michael Foresman, as a member of the Air Conservation Commission of the State of Missouri;

Also,

Willie J. Ellis, Jr., Kenneth C. Hensley, as members and Muriel A. Brison, as public member of the Public Defender Commission;

Also,

H. Bruce Nethington and Catherine Loraine Davis, as members of the Missouri Health Facilities Review Committee;

Also,

Lori J. Smith Patterson and Karen Jeanne Jones, as members of the Missouri Women's Council;

Also,

Floyd O. Bartch, as a member of the Missouri Gaming Commission;

Also,

Stephen M. Mahfood, as a member of the Second State Capitol Commission;

Also,

William H. Worley, D.V.M., as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Cleatus S. Stanfill, as a member of the Mississippi River Parkway Commission;

Also,

Fernando A. McGregor, as a member of the Missouri Board for Respiratory Care;

Also,

Carolyn V. Atkins, Ph.D., and Laurie Barrow, as members of the Child Abuse and Neglect Review Board;

Also,

Joyce Murphy, as a member of the Missouri State Public Employees Deferred Compensation Commission;

Also,

Donald E. Thompson, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Peter T. Ewell, Ph.D., as an out of state member of the Truman State University Board of Governors;

Also,

Jack D. Atterberry, as a member of the Workers' Compensation Determinations Review Board;

Also,

Hugh C. Jenkins, as a member of the Land Reclamation Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Maxwell assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended. Representatives: Dempsey, Cooper (120), Pearce, Curls and Hoskins.

PRIVILEGED MOTIONS

Senator Nodler moved that **SB 769**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 769**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 769

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of certain road districts, with an emergency clause.

Was taken up.

Senator Nodler moved that **HCS** for **SB 769** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Coleman	Dolan	Mathewson	Quick
Russell--5			
Absent with leave--Senators--None			

On motion of Senator Nodler, **HCS** for **SB 769** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			

Coleman Dolan--2
Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman--1

Absent with leave--Senators--None

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Nodler moved that **SCS** for **SBs 942, 850 and 841**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SBs 942, 850 and 841**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 942, 850 and 841

An Act to authorize the governor to convey certain tracts of state property, with an emergency clause for certain sections.

Was taken up.

Senator Nodler moved that **HCS** for **SCS** for **SBs 942, 850 and 841** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode

Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Nodler, **HCS** for **SCS** for **SBs 942, 850** and **841** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Gibbons moved that **SCS** for **SB 945**, **SB 803** and **SB 1257**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 945**, **SB 803** and **SB 1257**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 945
SENATE BILL NO. 803 AND
SENATE BILL NO. 1257

An Act to repeal sections 160.261, 210.145, and 211.031, RSMo, and to enact in lieu thereof four new sections relating to school-age children, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Gibbons moved that **HCS** for **SCS** for **SB 945**, **SB 803** and **SB 1257** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bartle	Bland--2		
Absent with leave--Senators--None			

On motion of Senator Gibbons, **HCS** for **SCS** for **SB 945**, **SB 803** and **SB 1257** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Childers--1
Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Childers--1
Absent with leave--Senators--None

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 1106** and request the House to recede from its position or failing to do so grant the Senate a conference thereon; and further that the Senate conferees be allowed to exceed the differences on the bill, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1268** and **1211**, with **SCS**, entitled:

An Act to repeal sections 285.300, 288.030, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.121, 288.128, 288.270, 288.290, 288.310, and 288.330, RSMo, and to enact in lieu thereof nineteen new sections relating to employees, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1268 and 1211An Act to repeal sections 285.300, 288.030, 288.036, 288.038, 288.040, 288.050,

288.060, 288.110, 288.121, 288.128, 288.270, 288.290, 288.310, and 288.330, RSMo, and to enact in lieu thereof nineteen new sections relating to employees, with penalty provisions and an emergency clause.

Was taken up.

Senator Loudon moved that **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1268 AND 1211

An Act to repeal sections 285.300, 288.030, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof fourteen new sections relating to employees, with penalty provisions.

Senator Cauthorn moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be adopted.

Senator Foster offered **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1268 and 1211

An Act to repeal sections 285.300, 286.001, 286.005, 286.110, 288.030, 288.032, 288.034, 288.036, 288.038, 288.040, 288.050, 288.060, 288.090, 288.100, 288.110, 288.121, 288.122, 288.190, 288.240, 288.245, 288.290, and 288.380, RSMo, and to enact in lieu thereof twenty-five new sections relating to employment, with penalty provisions.

Senator Foster moved that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be adopted.

At the request of Senator Loudon, **HS** for **HCS** for **HBs 1268** and **1211**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 959**, as amended.

Representatives: Luetkemeyer, Parker, Richard, Vogt and Spreng.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SSA 1** for **SA 1** to **HCS** for **HB 1617** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 1074** and **1129** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 932**, entitled:

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.128, 287.140, 287.190, 287.240, 287.390, 287.510, 287.560, 287.610, 287.800, 287.957, and 288.060, RSMo, and to enact in lieu thereof eighteen new sections relating to employment, with penalty provisions.

With House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 1, as amended, House Amendments Nos. 2, 3, 4, 5 and 6.

HOUSE AMENDMENT NO. 1 TO
HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 1

Amend House Substitute Amendment No. 1 for House Amendment No. 1 for House Substitute for Senate Bill No. 932, Page 6, Section 288.050, Line 8 of said page, by inserting after the word "**work.**" the following:

"The employer shall have notified the employee of the employer's controlled substance and alcohol workplace policy by conspicuously posting the policy in the workplace, by including the policy in an employee handbook, or by a statement of such policy in a collective bargaining agreement governing employment of the employee. The policy shall state that a positive test result shall be deemed misconduct and may result in suspension or termination of employment. Use of a controlled substance as defined under section 195.010, RSMo, under, and in conformity with the lawful order of a healthcare practitioner shall not be deemed to be misconduct connected with work for the purposes of this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1
FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 932, Page 55, Section 287.957, Line 25, by inserting after all of said line the following:

"288.050. 1. Notwithstanding the other provisions of this law, a claimant shall be disqualified for waiting week credit or benefits until after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state equal to ten times the claimant's weekly benefit amount if the deputy finds:

(1) That the claimant has left work voluntarily without good cause attributable to such work or to the claimant's employer; except that the claimant shall not be disqualified:

(a) If the deputy finds the claimant quit such work for the purpose of accepting a more remunerative job which the claimant did accept and earn some wages therein;

(b) If the claimant quit temporary work to return to such claimant's regular employer; or

(c) If the deputy finds the individual quit work, which would have been determined not suitable in accordance with paragraphs (a) and (b) of subdivision (3) of this subsection, within twenty-eight calendar days of the first day worked; or

(d) As to initial claims filed after December 31, 1988, if the claimant presents evidence supported by competent medical proof that she was forced to leave her work because of pregnancy, notified her employer of such necessity as soon as practical under the circumstances, and returned to that employer and offered her services to that employer as soon as she was physically able to return to work, as certified by a licensed and practicing physician, but in no event later than ninety days after the termination of the pregnancy. An employee shall have been employed for at least one year with the same employer before she may be provided benefits pursuant to the provisions of this paragraph;

(2) That the claimant has retired pursuant to the terms of a labor agreement between the claimant's employer and a union duly elected by the employees as their official representative or in accordance with an established policy of the claimant's employer; or

(3) That the claimant failed without good cause either to apply for available suitable work when so directed by the deputy, or to accept suitable work when offered the claimant, either through the division or directly by an employer by whom the individual was formerly employed, or to return to the individual's customary self-employment, if any, when so directed by the deputy.

(a) In determining whether or not any work is suitable for an individual, the division shall consider, among other factors and in addition to those enumerated in paragraph (b) of this subdivision, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training, the individual's experience and prior earnings, the individual's length of unemployment, the individual's prospects for securing work in the individual's customary occupation, the distance of available work from the individual's residence and the individual's prospect of obtaining local work; except that, if an individual has moved from the locality in which the individual actually resided when such individual was last employed to a place where there is less probability of the individual's employment at such individual's usual type of work and which is more distant from or otherwise less accessible to the community in which the individual was last employed, work offered by the individual's most recent employer if similar to that which such individual performed in such individual's last employment and at wages, hours, and working conditions which are substantially similar to those prevailing for similar work in such community, or any work which the individual is capable of performing at the wages prevailing for such work in the locality to which the individual has moved, if not hazardous to such individual's health, safety or morals, shall be deemed suitable for the individual;

(b) Notwithstanding any other provisions of this law, no work shall be deemed suitable and benefits shall not be denied pursuant to this law to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

a. If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

b. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

c. If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

2. [Notwithstanding the other provisions of this law,] If a deputy finds that a claimant has been discharged for misconduct connected with the claimant's work, such claimant[, depending upon the seriousness of the misconduct as determined by the deputy according to the circumstances in each case,] shall be disqualified for waiting week credit or benefits [for not less than four nor more than sixteen weeks for which the claimant claims benefits and is otherwise eligible], **and no benefits shall be paid nor shall the cost of any benefits be charged against any employer for any period of employment within the base period until the claimant has earned wages for work insured under the unemployment laws of this state or any other state as prescribed in this section.** In addition to the disqualification for benefits pursuant to this provision the division may in the more aggravated cases of misconduct, cancel all or any part of the individual's wage credits, which were established through the individual's employment by the employer who discharged such individual, according to the seriousness of the misconduct. A disqualification provided for pursuant to this subsection shall not apply to any week which occurs after the claimant has earned wages for work insured pursuant to the unemployment compensation laws of any state in an amount equal to eight times the claimant's weekly benefit amount. **Should a claimant be disqualified on a second or subsequent occasion within the base period or subsequent to the base period the claimant shall be required to earn wages in an amount equal to or in excess of eight times the claimant's weekly benefit amount for each disqualification, such additionally required wages shall run consecutively. For the purpose of this chapter, a professionally administered and documented positive chemical test result for a controlled substance as defined under section 195.010, RSMo, or for blood alcohol content of eight-hundredths of one percent or more by weight of alcohol in the claimant's blood shall be deemed misconduct connected with work.**

3. [A pattern of] Absenteeism or tardiness may constitute misconduct regardless of whether the last incident alone [which results] **resulting** in the discharge constitutes misconduct.

4. Notwithstanding the provisions of subsection 1 of this section, a claimant may not be determined to be disqualified for benefits because the claimant is in training approved pursuant to section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended), or because the claimant left work which was not "suitable employment" to enter such training. For the purposes of this subsection "suitable employment" means, with respect to a worker, work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than eighty percent of the worker's average weekly wage as determined for the purposes of the Trade Act of 1974."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill No. 932, Page 20, Section 287.128, Line 11 of said page, by inserting after all of said line the following:

"(11) Knowingly organize, plan, or in any way participate in staged workplace accidents. Any person who violates the provisions of this subsection shall be guilty of a class D felony."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Bill No. 932, Page 9, Section 287.020, Line 7 of said page, by inserting after all of said line the following:

"17. "Objective relevant medical findings"

in support of medical evidence are verifiable indications of injury or disease that may include, but are not limited to, limitation of range of motion, atrophy, muscle strength, and palpable muscle spasm. Objective relevant medical findings do not include physical findings or subjective responses to physical examinations that are not reproducible, measurable, or observable by diagnostic testing or examination. Objective relevant medical findings are those findings which cannot solely come under the voluntary control of the patient.

Medical opinions addressing compensability and permanent impairment must be stated within a reasonable degree of medical certainty."; and renumber remaining subsections accordingly; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 932, Page 58, Line 18, by inserting at the end of said line the following:

"288.525. 1. There is hereby created a "Missouri State Unemployment Council" (the council). The council shall consist of nine appointed voting members and two appointed nonvoting members. All appointees shall be persons whose training and experience qualify them to deal with the problems of unemployment compensation, particularly legal, accounting, actuarial, economic, and social aspects of unemployment compensation.

2. (1) Three voting members shall be appointed to the council by the governor. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation.

(2) Three voting members and one nonvoting member shall be appointed to the council by the speaker of the house of representatives. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers that employ twenty or fewer employees. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the house of representatives.

(3) Three voting members and one nonvoting member shall be appointed to the council by the president pro tem of the senate. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the senate.

2. The council shall organize itself and select a chairperson or co-chairpersons and other officers from the nine voting members. Six voting members shall constitute a quorum and the council shall act only upon the affirmative vote of at least five of the voting members. The council shall meet no fewer than four times yearly. Members of the council shall serve without compensation, but are to be reimbursed the amount of actual expenses. Actual expenses shall be paid from the special employment security fund under section 288.310.

3. The division shall provide professional and clerical assistance as needed for regularly scheduled meetings.

4. Each nonvoting member shall serve for a term of four years or until he or she is no longer a member of the general assembly whichever occurs first. A nonvoting member's term shall be a maximum of four years. Each voting member shall serve for a term of three years. For the initial appointment, the governor-appointed employer representative, the speaker of the house-appointed employee representative, and the president pro tem of the senate-appointed public interest representative shall serve an initial term of one year. For the initial appointment, the governor-appointed employee representative, the speaker of the house-appointed public interest representative, and the president pro tem of the senate-appointed employer representative shall serve an initial term of two years. At the end of a voting member's term he or she may be reappointed; however, he or she shall serve no more than two terms excluding the initial term for a maximum of eight years.

5. The council shall advise the division in carrying out the purposes of this chapter. The council shall submit annually by January fifteenth to the governor and the general assembly its recommendations regarding

amendments of this chapter, the status of unemployment insurance, the projected maintenance of the solvency of unemployment insurance, and the adequacy of unemployment compensation.

6. The council shall present to the division every proposal of the council for changes in this chapter and shall seek the division's concurrence with the proposal. The division shall give careful consideration to every proposal submitted by the council for legislative or administrative action and shall review each legislative proposal for possible incorporation into department of labor and industrial relations recommendations.

7. The council shall have access to only the records of the division that are necessary for the administration of this chapter and to the reasonable services of the employees of the division. It may request the director or any of the employees appointed by the director or any employee subject to this chapter, to appear before it and to testify relative to the functioning of this chapter and to other relevant matters. The council may conduct research of its own, make and publish reports, and recommend to the division needed changes in this chapter or in the rules of the division as it considers necessary.

8. The council, unless prohibited by a concurrent resolution of the general assembly, shall be authorized to commission an outside study of the solvency, adequacy, and staffing and operational efficiency of the Missouri unemployment system. The study shall be conducted every five years, the first being conducted in fiscal year 2005. The study shall be funded subject to appropriation from the special employment security fund under section 288.310."

HOUSE AMENDMENT NO. 5

Amend House Substitute For Senate Bill No. 932, Section 288.060, Page 58, Line 18, by inserting after said line the following:

"288.190. 1. The director shall designate an impartial referee or referees to hear and decide disputed determinations, claims referred pursuant to subsection 2 of section 288.070, and petitions for reassessment. No employee of the division shall participate on behalf of the division in any case in which the division employee is an interested party.

2. The manner in which disputed determinations, referred claims, and petitions for reassessment shall be presented and the conduct of hearings shall be in accordance with regulations prescribed by the division for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. When the same or substantially similar evidence is relevant and material to the matters in

issue in claims by more than one individual or in claims by a single individual in respect to two or more weeks of unemployment, the same time and place for considering each such claim or claims may be fixed, hearings thereon jointly conducted, a single record of the proceedings made, and evidence introduced with respect to one proceeding considered as introduced in the others, if in the judgment of the appeals tribunal or the commission having jurisdiction of the proceeding such consolidation would not be prejudicial to any party. A full and complete record shall be kept of all proceedings in connection with a disputed determination, referred claim, or petition for reassessment. The appeals tribunal shall include in the record and consider as evidence all records of the division that are material to the issues. All testimony at any hearing shall be recorded but need not be transcribed unless the matter is further appealed.

3. Unless an appeal on a disputed determination or referred claim is withdrawn, an appeals tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm, modify, or reverse the determination of the deputy, or shall remand the matter to the deputy with directions. In addition, in any case wherein the appellant, after having been duly notified of the date, time, and place of the hearing, shall fail to appear at such hearing, the appeals tribunal may enter an order dismissing the appeal. The director may transfer to another appeals tribunal the proceedings on an appeal determination before an appeals tribunal. The parties shall be duly notified of an appeals tribunal's decision or order, together with its reason therefor, which shall be deemed to be the final decision or order of the division unless, within thirty days after the date of notification or mailing of such decision, further appeal is initiated pursuant to section 288.200; except that, within thirty days of either notification or mailing of the appeals tribunal's decision or order, the appeals tribunal, on its own motion, may reconsider any decision or order when it appears that such reconsideration is essential to the accomplishment of the object and purpose of this law.

4. Unless a petition for reassessment is withdrawn or is allowed without a hearing, the petitioners shall be given a reasonable opportunity for a fair hearing before an appeals tribunal upon each such petition. The appeals tribunal shall promptly notify the interested parties of its decision upon such petition together with its reason therefor. In addition, in any case wherein the appellant, after having been duly notified of the date, time, and place of the hearing, shall fail to appear at such hearing, the appeals tribunal may enter an order dismissing the appeal. In the absence of the filing of an application for review of such decision, the decision, whether it results in a reassessment or otherwise, shall become final thirty days after the date of notification or mailing thereof; except that, within thirty days of either notification or mailing of the appeals tribunal's decision or order, the appeals tribunal, on its own motion, may reconsider any decision or order when it appears that such reconsideration is essential to the accomplishment of the object and purposes of this law.

5. Any party subject to any decision of an appeals tribunal pursuant to this chapter has a right to counsel **and the right to designate a representative, including but not limited to, a certified public accountant, or human resource professional to represent the party at any hearing** and shall be notified prior to a hearing conducted pursuant to this chapter that a decision of the appeals tribunal is presumptively conclusive for the purposes of this chapter as provided in section 288.200."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Bill No. 932, Page 32, Section 287.140, Line 8, by deleting the word [may] and inserting in lieu thereof the word "**shall**".

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1305**, as amended: Senators Scott, Loudon, Cauthorn, Wheeler and Kennedy.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

Senator Goode moved that **SCS** for **SB 901**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster

Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bray	Dougherty	Kinder--3	
	Absent with leave--Senators--None		

On motion of Senator Goode, **SCS** for **SB 901**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Kinder--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Champion moved that the Senate refuse to concur in **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Gibbons moved that **SCS** for **SB 1093**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1093**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1093

An Act to amend chapters 67, 362, 369, and 370, RSMo, by adding thereto four new sections relating to investment of public funds.

Was taken up.

Senator Gibbons moved that **HCS** for **SCS** for **SB 1093** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Gibbons, **HCS** for **SCS** for **SB 1093** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1207**, introduced by Representative Icet, entitled:

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

Was called from the Informal Calendar and taken up by Senator Loudon.

Senator Loudon offered **SS** for **HS** for **HCS** for **HB 1207**, entitled:

SENATE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1207

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

Senator Loudon moved that **SS** for **HS** for **HCS** for **HB 1207** be adopted.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 1207, Page 3, Section 245.015, Line 18, by striking the word "tree" and inserting in lieu thereof the word "**three**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS** for **HS** for **HCS** for **HB 1207**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **HS** for **HCS** for **HB 1207**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Goode--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1055**, entitled:

An Act to repeal sections 556.037, 566.083, 566.093, 566.095, 566.140, 566.141, 573.037, 573.040, 589.400 and 589.425, RSMo, and to enact in lieu thereof thirteen new sections relating to sexual offenses, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Vogel.

Senator Vogel offered **SS** for **HCS** for **HB 1055**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1055

An Act to repeal sections 565.082, 565.083, 556.037, 566.083, 566.140, 566.141, 573.037, 573.040, 589.400, 589.425, and 660.520, RSMo, and to enact in lieu thereof fourteen new sections relating to sexual offenses, with a penalty provision.

Senator Vogel moved that **SS** for **HCS** for **HB 1055** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 7, Section 537.040, Line 29, of said page, by inserting after all of said line the following:

"537.046. 1. As used in this section, the following terms mean:

(1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under the age of eighteen years and which act would have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120, RSMo, or section 568.020, RSMo;

(2) "Injury" or "illness", either a physical injury or illness or a psychological injury or illness. A psychological injury or illness need not be accompanied by physical injury or illness. 2. In any civil action for recovery of damages suffered as a result of childhood sexual abuse, [the time for commencement of the action shall be within five years] **the action shall be commenced within ten years** of the date the plaintiff attains the age of [eighteen] **twenty-one** or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by child sexual abuse, whichever later occurs.

3. This section shall apply to any action commenced on or after August 28, 1990, including any action which would have been barred by the application of the statute of limitation applicable prior to that date."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section 43.651, Line 10, of said page, by inserting after all of said line the following:

"337.500. As used in sections 337.500 to 337.540, unless the context clearly requires otherwise, the following words and phrases mean:

- (1) "Committee", the committee for professional counselors;
- (2) "Department", the Missouri department of economic development;
- (3) "Director", the director of the division of professional registration in the department of economic development;
- (4) "Division", the division of professional registration;
- (5) "Licensed professional counselor", any person who offers to render professional counseling services to individuals, groups, organizations, institutions, corporations, government agencies or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed in counseling, and who holds a current, valid license to practice counseling;
- (6) "Practice of professional counseling", rendering, offering to render, or supervising those who render to individuals, couples, groups, organizations, institutions, corporations, schools, government agencies, or the general public any counseling service involving the application of counseling procedures, and the principles and methods thereof, to assist in achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational, vocational, developmental, or rehabilitative adjustments;
- (7) "Professional counseling", includes, but is not limited to:
 - (a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures based on principles for assessing, understanding, or influencing behavior (such as principles of learning, conditioning, perception, motivation, thinking, emotions, or social systems);
 - (b) Appraisal, **diagnosis**, or assessment, which means selecting, administering, scoring, or interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes, abilities, achievement, interests, and personal characteristics **and the identification of mental, emotional, and behavioral disorders based upon assessment of the symptoms presented and observed characteristics**;
 - (c) The use of referral or placement techniques or both which serve to further the goals of counseling;
 - (d) Therapeutic vocational or personal or both rehabilitation in relation to coping with or adapting to physical disability, emotional disability, or intellectual disability or any combination of the three;
 - (e) Designing, conducting, and interpreting research;
 - (f) The use of group methods or techniques to promote the goals of counseling;
 - (g) The use of informational and community resources for career, personal, or social development;
 - (h) Consultation on any item in paragraphs (a) through (g) above; and
 - (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, RSMo, shall be construed to mandate benefits or third-party reimbursement for services of professional counselors in the policies or contracts of any insurance company, health services corporation or other third-party payer;
- (8) "Provisional licensed professional counselor", any person who is a graduate of an acceptable educational institution, as defined by division rules, with at least a master's degree with a major in counseling, or its equivalent, and meets all requirements of a licensed professional counselor, other than the supervised counseling experience prescribed by subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the practice of professional counseling."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 2** is out of order as it goes beyond the scope, purpose and title of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 5, Section 566.083, Line 1, by inserting after said line the following:

"566.093. 1. A person commits the crime of sexual misconduct in the second degree if [he] **such person**:

(1) Exposes his **or her** genitals under circumstances in which he **or she** knows that his **or her** conduct is likely to cause affront or alarm; [or]

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he **or she** knows that such conduct is likely to cause affront or alarm; **or**

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has previously been convicted of an offense under this chapter, in which case it is a class A misdemeanor."; and

Further amend page 5, section 566.140, line 2, by inserting immediately after the section identifier "566.140." the following subsection identifier "**1.**"; and

Further amend page 5, section 566.140, lines 16-18, by striking the words "**Any person**

involved in such a program shall be required to follow all directives of the treatment program provider."; and

Further amend same page, same section, line 18, by inserting after the end of said line the following:

"2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation, following the probationer's plea of guilty to or a finding of guilty of violating any provision of this chapter or chapter 565, RSMo, may be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. Any person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof.";
and

Further amend page 9, section 589.400, line 6, by inserting immediately after the word "state" the following ", **foreign country**,"; and

Further amend same page, same section, line 6, by inserting immediately after the word "federal" the following "**or military**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Gibbons offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 11, Section 589.425, Line 8, by deleting all of said section and inserting in lieu thereof the following:

"589.425. 1. Any person who is required to register pursuant to sections 589.400 to 589.425 and does not meet all requirements of sections 589.400 to 589.425 is guilty of a class A misdemeanor, **unless the person has been convicted pursuant to chapter 566 of an unclassified felony, class A felony, class B felony, or any felony involving a child under the age of fourteen, in which case the person is guilty of a class D felony.**

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony, **unless the person has been convicted pursuant to chapter 566 of an unclassified felony, class A felony, class B felony, or any felony involving a child under the age of fourteen, in which case the person is guilty of a class C felony.**"; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Shields offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section 43.651, Line 10, by inserting immediately after said line the following:

"144.1050. Sections 144.1050 to 144.1064 shall be known and may be cited as the "Adult Entertainment Tax Act".

144.1052. As used in sections 144.1050 to 144.1064, the following terms shall mean:

(1) "Adult entertainment products and services", shall include all of the following:

(a) Any matter that includes actual sexually explicit conduct and is subject to the requirements of Section 2257 of Title 18 of the United States Code; and

(b) Any live performance, characterized by the display of complete nudity, that may include the performance of actual or simulated sexual activities;

(2) "Actual sexually explicit conduct", any of the following actual, but not simulated conduct as defined in Section 2257 of Title 18 of the United States Code:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals of pubic area of any person;

(3) "Disclosure statement", the statement required under subsection (e) of Section 2257 of Title 18 of the United States Code.

144.1054. In addition to any tax imposed pursuant to this chapter, for the privilege of selling adult entertainment products or services at retail, a tax is hereby imposed upon all retailers at the rate of five percent of the gross receipts from the retail sale in this state on or after January 1, 2005, of all adult entertainment products and services. In the case of any place of business that offers any live performance as described in paragraph (b) of subdivision (1) of section 144.1052, gross receipts of all adult entertainment products or services include all gross receipts of the retailer at that place of business.

144.1056. 1. In addition to any tax imposed pursuant to this chapter, an excise tax is hereby imposed on the storage, use, or other consumption in this state of adult entertainment products and services purchased from any retailer on or after July 1, 2004, for the storage, use, or other consumption in this state, at the rate of five percent of the sales price of those products and services.

2. The tax provided for in this section shall not be imposed upon the storage, use, or other consumption of any adult entertainment product or service that was purchased from a retailer that paid the tax imposed by section 144.1054 with respect to the retail sale of that product or service.

144.1058. The tax imposed by sections 144.1050 to 144.1064 shall not be imposed upon any Internet service provider or commercial on-line service provider carrying or transmitting messages or images described in sections 144.1050 to 144.1064 or performing related activities in providing on-line services.

144.1060. Retailers shall collect the tax required pursuant to sections 144.1054 and 144.1056 on any adult entertainment products or services described in subdivision (1) of section 144.1052 that include or bear the disclosure statement defined in subdivision (3) of section 144.1052.

144.1062. To the extent feasible or practicable, the provisions of this chapter, shall govern determinations, collections of tax, overpayments and refunds, and administration pursuant to this section.

144.1064. The department of revenue shall enforce the provisions of sections 144.1050 to 144.1062 and may promulgate rules and regulations relating to the administration and enforcement of sections 144.1050 to 144.1062. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 5** is out of order as it exceeds the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Bartle offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section 43.651, Lines 7-10, by removing said section and further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Bray offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 6, Section 566.147, Line 26, by inserting immediately after all of said line the following:

"566.200. As used in sections 566.200 to 566.221, the following terms shall mean:

(1) "Basic rights information", information applicable to a noncitizen, including information about human rights, immigration, and emergency assistance and resources;

(2) "Client", a person who is a resident of the United States and the state of Missouri and who contracts with an international matchmaking organization to meet recruits;

(3) "Coercion",

(a) Threats of substantial bodily harm to or physical restraint against any person;

(b) Any scheme, plan, or pattern of behavior intended to cause a person to believe that failure to perform an act will result in substantial bodily harm to or physical restraint against any person; or

(c) The abuse or threatened abuse of the legal process;

(4) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(5) "Criminal history record information", criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;

(6) "International matchmaking organization", a corporation, partnership, or other legal entity, whether or not organized pursuant to the laws of the United States or any state, that does business in the United States and for-profit offers to residents of Missouri, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States. Such business shall include, but is not limited to, the exchange of names, telephone numbers, addresses, or statistics, the selection of photographs, and creating a social environment provided by the organization in a country other than the United States. Such business shall not include a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits by such organization and the laws of the United States, or an organization that does not charge a fee to any party for the services provided;

(7) "Involuntary servitude", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not

enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(8) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international matchmaking organization;

(9) "Recruit", a non-citizen, non-resident, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services.

566.203. 1. A person commits the crime of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By threats of serious harm or physical restraint against such person or another person;

(2) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer substantial bodily harm or physical restraint; or

(3) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who pleads guilty to or is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of abuse through forced labor is a class B felony.

566.206. 1. A person commits the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if a person knowingly recruits, harbors, transports, provides, or obtains by any means, another person for labor or services.

2. A person who pleads guilty to or is found guilty of the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor is a class B felony.

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, transports, provides, or obtains by any means, another person for the use or employment of such person in sexual conduct as defined in section 556.061, RSMo, without his or her consent.

2. The crime of trafficking for the purposes of sexual exploitation is a class B felony.

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of eighteen to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act.

2. It shall not be an affirmative defense that the defendant believed that the person was eighteen years of age or older.

3. The crime of sexual trafficking of a child is a class A felony if the child is under the age of eighteen.

566.215. 1. A person commits the crime of contributing to human trafficking through the misuse of documentation when the individual knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing crimes or with the intent to commit crimes, pursuant to sections 566.200 to 566.221; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person, who is the victim of a crime committed pursuant to sections 566.200 to 566.221.

2. A person who pleads guilty to or is found guilty of the crime of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

3. The crime of contributing to human trafficking through the misuse of documentation is a class D felony.

566.218. A court sentencing an offender convicted of violating the provisions of sections 566.203, 566.206, 566.209, 566.212, and 566.215, shall order the offender to pay restitution to the victim of the offense.

566.221. 1. An international matchmaking organization shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international matchmaking organization shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international matchmaking organization receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international matchmaking organization shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international matchmaking organization; and

(3) Provide to the international matchmaking organization his or her own marital history information.

4. An international matchmaking organization shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international matchmaking organization shall not provide any further services to the client or the recruit until the organization has obtained the requested criminal history record information and marital history information and provided the information to the recruit.

6. An international matchmaking organization shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be

required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo.

8. It shall be a class D felony to wilfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.

566.223. Any individual who is alleging that a violation of sections 566.200 to 566.221 has occurred against his or her person, shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

567.030. 1. A person commits the crime of patronizing prostitution if he patronizes prostitution.

2. It shall not be an affirmative defense that the defendant believed that the person he or she patronized for prostitution was eighteen years of age or older.

3. Patronizing prostitution is a class B misdemeanor, unless the individual who the person is patronizing is under the age of eighteen but older than the age of fourteen, in which case patronizing prostitution is a class A misdemeanor.

4. Patronizing prostitution is a class D felony if the individual who the person patronizes is fourteen years of age or younger."; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section 43.651, Line 10, of said page, by inserting after all of said line the following:

"50.550. **1.** The annual budget shall present a complete financial plan for the ensuing budget year. It shall set forth all proposed expenditures for the administration, operation and maintenance of all offices, departments, commissions, courts and institutions; the actual or estimated operating deficits or surpluses from prior years; all interest and debt redemption charges during the year and expenditures for capital projects.

2. The budget shall contain adequate provisions for the expenditures necessary for the care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs of holding circuit court in the county that are chargeable against the county, for the repair and upkeep of bridges other than on state highways and not in any special road district, and for the salaries, office expenses and deputy and clerical hire of all county officers and agencies.

3. In addition, the budget shall set forth in detail the anticipated income and other means of financing the proposed expenditures.

4. All receipts of the county for operation and maintenance shall be credited to the general fund, and all expenditures for these purposes shall be charged to this fund; except, that receipts from the special tax levy for roads and bridges shall be kept in a special fund and expenditures for roads and bridges may be charged to the special fund.

5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund created for the purpose, and all expenditures for this purpose shall be charged to the fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue, and all payments to retire the issue shall be charged to the fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

6. Subject to the provisions of section 50.565 the county commission may create a fund to be known as "The County Law Enforcement Restitution Fund".

7. The county commission may create other funds as are necessary from time to time.

50.565. 1. A county commission may establish by ordinance or order a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county law enforcement restitution fund and shall be under the supervision of a board of trustees consisting of two citizens of the county appointed by the presiding commissioner of the county, two citizens of the county appointed by the sheriff of the county, and one citizen of the county appointed by the county coroner or medical examiner. The citizens so appointed shall not be current or former employees of the sheriff's department, the office of the prosecuting attorney for the county, or the county treasurer's office. If a county does not have a coroner or medical examiner, the county treasurer shall appoint one citizen to the board of trustees.

2. Money from the county law enforcement restitution fund shall only be expended upon the approval of a majority of the members of the county law enforcement restitution fund's board of trustees and only for the purposes provided for by subsection 3 of this section.

3. Money from the county law enforcement restitution fund shall only be expended for the following purposes:

(1) Narcotics investigation, prevention, and intervention;

(2) Purchase of law enforcement related equipment and supplies for the sheriff's office;

(3) Matching funds for federal or state law enforcement grants;

(4) Funding for the reporting of all state and federal crime statistics or information; and

(5) Any law enforcement related expense, including those of the prosecuting attorney, approved by the board of trustees for the county law enforcement restitution fund that is reasonably related to investigation, charging, preparation, trial, and disposition of criminal cases before the courts of the state of Missouri.

4. The county commission may not reduce any law enforcement agency's budget as a result of funds the law enforcement agency receives from the county law enforcement restitution fund. The restitution fund is to be used only as a supplement to the law enforcement agency's funding received from other county, state, or federal funds.

5. County law enforcement restitution funds shall be audited as are all other county funds.

6. No court may order the assessment and payment authorized by this section if the plea of guilty or the finding of guilt is to the charge of speeding, careless and imprudent driving, any charge of violating a traffic control signal or sign, or any charge which is a class C misdemeanor or an infraction. No assessment and payment ordered pursuant to this section may exceed three hundred dollars for any charged offense."; and

Further amend said bill, page 2, section 556.037, line 2, by inserting after all of said line the following:

"558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include commitment to a

regimented discipline program established pursuant to section 217.378, RSMo. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous prison commitment to the department of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be eighty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

3. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061, RSMo, and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:

(1) A sentence of life shall be calculated to be thirty years;

(2) Any sentence either alone or in the aggregate with other consecutive sentences for crimes committed at or near the same time which is over seventy-five years shall be calculated to be seventy-five years.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections. Except that the board of probation and parole, in the case of consecutive sentences imposed at the same time pursuant to a course of conduct constituting a common scheme or plan, shall be authorized to convert consecutive sentences to concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive total term, taking into consideration all factors related to the crime or crimes committed and the sentences received by others similarly situated.

6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on

sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
 - (b) The record of prior offenses by the offender;
 - (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
 - (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.
- (4) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.
- (5) The commission shall publish and distribute its recommendations on or before July 1, 2004. The commission shall study the implementation and use of the recommendations until July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 2005, report, the commission shall revise the recommended sentences every two years.
- (6) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.
- (7) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.
- (8) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

8. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim **or a statutorily created fund** for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community service;
- (4) Work release programs in local facilities; and
- (5) Community-based residential and nonresidential programs.

9. The provisions of this section shall apply only to offenses occurring on or after August 28, 2003.

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county

commission pursuant to section 50.565, RSMo. Such contribution shall not exceed two hundred seventy-five dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo.

11. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

12. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems reasonably necessary to ensure that the defendant will not again violate the law. When a defendant is placed on probation he shall be given a certificate explicitly stating the conditions on which he is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order such conditions as the court believes will serve to compensate the victim, any dependent of the victim, **any statutorily created fund for costs incurred as a result of the offender's actions**, or society. Such conditions may include **restorative justice methods pursuant to section 217.777, RSMo, or any other method that the court finds just or appropriate including**, but [shall] not [be] limited to:

(1) Restitution to the victim or any dependent of the victim, **or statutorily created fund for costs incurred as a result of the offender's actions** in an amount to be determined by the judge; [and]

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge;

(3) Offender treatment programs;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

3. The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

4. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty or a finding of guilt, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed two hundred seventy-five dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565, RSMo.

5. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

6. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

7. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Champion offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bill No. 1055, Page 1, Section A, Line 6 of said page, by inserting after all of said line the following:

"43.540. 1. As used in this section, the following terms mean:

- (1) "Authorized state agency", a division of state government or an office of state government designated by the statutes of Missouri to issue or renew a license, permit, certification, or registration of authority to a qualified entity;
- (2) "Care", the provision of care, treatment, education, training, instruction, supervision, or recreation;
- (3) "Missouri criminal record review", a review of criminal history records [or] **and** sex offender registration records pursuant to sections 589.400 to 589.425, RSMo, maintained by the Missouri state highway patrol in the Missouri criminal records repository;
- (4) "National criminal record review", a review of the criminal history records maintained by the Federal Bureau of Investigation;
- (5) "Patient or resident", a person who by reason of age, illness, disease or physical or mental infirmity receives or requires care or services furnished by a provider, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive hours;
- (6) "Provider", a person who:
 - (a) Has or may have unsupervised access to children, the elderly, or persons with disabilities; and
 - (b) Is employed by or seeks employment with a qualified entity; or
 - (c) Volunteers or seeks to volunteer with a qualified entity; or
 - (d) Owns or operates a qualified entity;
- (7) "Qualified entity", a person, business, or organization, whether public or private, for profit, not for profit, or voluntary, that provides care, placement, or educational services for children, the elderly, or persons with disabilities as patients or residents, including a business or organization that licenses or certifies others to provide care or placement services;
- (8) "Youth services agency", any public or private agency, school, or association which provides programs, care or

treatment for or which exercises supervision over minors.

2. A qualified entity may obtain a Missouri criminal record review of a provider from the highway patrol by furnishing information on forms and in the manner approved by the highway patrol.

3. A qualified entity may request a Missouri criminal record review and a national criminal record review of a provider through an authorized state agency. No authorized state agency is required by this section to process Missouri or national criminal record reviews for a qualified entity, however, if an authorized state agency agrees to process Missouri and national criminal record reviews for a qualified entity, the qualified entity shall provide to the authorized state agency on forms and in a manner approved by the highway patrol the following:

(1) Two sets of fingerprints of the provider;

(2) A statement signed by the provider which contains:

(a) The provider's name, address, and date of birth;

(b) Whether the provider has been convicted of or has pled guilty to a crime which includes a suspended imposition of sentence;

(c) If the provider has been convicted of or has pled guilty to a crime, a description of the crime, and the particulars of the conviction or plea;

(d) The authority of the qualified entity to check the provider's criminal history;

(e) The right of the provider to review the report received by the qualified entity; and

(f) The right of the provider to challenge the accuracy of the report. If the challenge is to the accuracy of the criminal record review, the challenge shall be made to the highway patrol. 4. The authorized state agency shall forward the required forms and fees to the highway patrol. The results of the record review shall be forwarded to the authorized state agency who will notify the qualified entity. The authorized state agency may assess a fee to the qualified entity to cover the cost of handling the criminal record review and may establish an account solely for the collection and dissemination of fees associated with the criminal record reviews.

5. Any information received by an authorized state agency or a qualified entity pursuant to the provisions of this section shall be used solely for internal purposes in determining the suitability of a provider. The dissemination of criminal history information from the Federal Bureau of Investigation beyond the authorized state agency or related governmental entity is prohibited. All criminal record check information shall be confidential and any person who discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

6. The highway patrol shall make available or approve the necessary forms, procedures, and agreements necessary to implement the provisions of this section."; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Vogel moved that **SS** for **HCS** for **HB 1055**, as amended, be adopted, which motion prevailed.

On motion of Senator Vogel, **SS** for **HCS** for **HB 1055**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Days--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 870**, entitled:

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to sexually-oriented billboards, with penalty provisions.

With House Amendment No. 3.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 870, Page 3, Section 226.531, Line 16, by inserting after said line the following:

"Section 1. The attorney general shall represent the state in all actions and proceedings arising from this section 573.510. Also, all costs incurred by the attorney general to defend or prosecute this section 573.510, including payment

of all court costs, civil judgements and, if necessary, any attorneys fees, shall be paid from the general revenue fund."

Further amend said bill, page and section by renumbering the remaining subsections accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 878**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1331**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 921**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1111**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1107**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 992**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1006**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 956**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 951**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Bartle moved that the Senate refuse to recede from its position on **SSA 1** for **SA 1** to **HCS** for **HB 1617** and grant the House a conference thereon, which motion prevailed.

Senator Russell requested unanimous consent of the Senate for the Senate conferees on **SCS** for **HS** for **HCS** for **HBs 1006, 1008** and **1011** to be allowed to meet while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

HCS for **HB 1288**, with **SCS**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to compensation agreements between franchisers and franchisees.

Was called from the Informal Calendar and taken up by Senator Griesheimer.

SCS for **HCS** for **HB 1288**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1288An Act to repeal section 301.566, RSMo, and to enact in lieu thereof eight new sections relating to contractual agreements between manufacturers and other merchants.

Was taken up.

Senator Griesheimer moved that **SCS** for **HCS** for **HB 1288** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **HCS** for **HB 1288**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1288

An Act to repeal section 301.566, RSMo, and to enact in lieu thereof eight new sections relating to contractual agreements between manufacturers and other merchants.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1288** be adopted.

Senator Griesheimer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1288, Page 15, Section 407.1368, Line 16, by striking "five" and inserting in lieu thereof "**ten**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer moved that **SS** for **SCS** for **HCS** for **HB 1288**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 1288**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators		
Bartle	Clemens	Scott--3	
	Absent--Senator Childers--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1493, introduced by Representative Emery, et al, with **SCS**, entitled:

An Act to repeal sections 247.172 and 394.312, RSMo, and to enact in lieu thereof two new sections relating to electric territorial agreements.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 1493**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1493An Act to repeal sections 247.085, 247.172, 386.390, and 394.312, RSMo, and to enact in lieu thereof five new sections relating to water and electric utilities.

Was taken up.

Senator Steelman moved that **SCS** for **HB 1493** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1493, Page 5, Section 247.172, Line 105, by inserting after all of said line the following:

"386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner shall also have the authority to retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical advisory staff on a cost-neutral basis. Such technical advisory staff shall be hired on or before July 1, 2005.

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission's [hearing officers] **administrative law judges** on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

5. The technical advisory staff shall also update the commission and the commission's [hearing officers] **administrative law judges** periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.

8. The technical advisory staff shall never be a party to any case before the commission."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1493, Page 12, Section 394.312, Line 96, by inserting immediately after said line the following:

"700.650. 1. Sections 700.650 to 700.692 shall be known and may be cited as the "Manufactured Home Installation Act".

2. For the purposes of sections 700.650 to 700.692, the following terms shall mean:

(1) "Applicant", a person who applies to the commission for a license or limited use license to install manufactured homes;

(2) "Commission", the Missouri public service commission;

(3) "Dealer", any person, other than a manufacturer, who sells or offers for sale four or more manufactured homes in any consecutive twelve-month period;

(4) "Installation", work undertaken at the place of occupancy to ensure the proper initial setup of a

manufactured home which shall include the joining of all sections of the home, installation of stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation;

- (5) "Installation standards", reasonable specifications for the installation of a manufactured home;
- (6) "Installer", an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to 700.680 of this act;
- (7) "Manufactured home", a manufactured home as that term is defined in subdivision (5) of section 700.010;
- (8) "Manufacturer", any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale; and
- (9) "Person", an individual, partnership, corporation, or other legal entity.

700.653. The commission shall implement a program, consistent with Title VI of P.L. 106-569 and any federal regulations promulgated pursuant to that act, to assure the proper installation of manufactured homes by licensed installers. The program shall include the following components:

- (1) Licensing of installers, including penalties for engaging in the business of manufactured home installation without a license from the commission;
- (2) Installation standards applicable to manufactured homes;
- (3) Inspection of a percentage of installed manufactured homes; and
- (4) A process to resolve disputes relating to the installation of manufactured homes.

700.656. 1. No person shall engage in the business of installing manufactured homes or hold himself or herself out as a manufactured home installer in this state unless such person holds a valid installer license issued by the commission pursuant to sections 700.650 to 700.680.

2. The installer license obtained from the commission shall be the only installer license required for installing manufactured homes within this state. No political subdivision of this state may issue an installer license or require additional professional licensure of installers already licensed by the commission.

3. Manufactured home dealers and manufactured home manufacturers who do not subcontract with a licensed installer and who perform installations themselves or through direct agents or employees shall have at least one agent or employee who is a licensed installer.

4. Any corporation, partnership, or other legal entity that performs installation shall have at least one supervising agent who is a licensed installer.

5. A license to install manufactured homes is not required for a person who installs a manufactured home on his or her property for his or her own occupancy or who is a direct agent of a licensee, working under the licensee's supervision and within the licensee's job scope. The licensed installer is responsible for supervising all such agents for their competent and proper performance.

700.659. 1. The commission shall issue an installer license to an applicant who:

- (1) Files a written application with the commission on a form approved by the commission;
- (2) Is at least eighteen years old;
- (3) Is of good moral character;

(4) Presents evidence that he or she has completed a training program approved by the commission;

(5) Has attained a passing grade upon an examination, approved by the commission, that is designed to test the skills necessary to properly perform as an installer and to ascertain the adequacy of the applicant's knowledge of federal and state laws applicable to manufactured home installation. The commission may establish what constitutes a passing grade for the examination; and

(6) Pays all fees as required by sections 700.650 to 700.680 and by commission rule.

2. In addition to fulfilling the requirements of subsection 1 of this section, an applicant who is not an agent of a dealer or manufacturer shall obtain and show proof of a certificate of insurance for workers' compensation coverage.

3. In addition to fulfilling the requirements of subsection 1 of this section, an applicant who is an agent of a dealer or manufacturer shall show proof of general liability insurance in an amount of at least three hundred thousand dollars.

4. An installer license shall be valid for a period of time determined by the commission, but not for less than one year, and it may be renewed accordingly.

700.662. 1. The commission may waive the training and examination requirements of subsection 1 of section 700.659 and grant an installer license to an applicant who pays the applicable fee and demonstrates to the commission's satisfaction that his or her current license, registration, or certification requirements as an installer in another state, the District of Columbia, or territories of the United States substantially meets or exceeds the requirements in sections 700.650 to 700.680.

2. The commission may negotiate reciprocal agreements that allow licensed installers in Missouri to become licensed in other states, the District of Columbia, or territories of the United States.

700.665. Upon payment of an applicable fee, the commission may issue a limited use installer license to an applicant not otherwise licensed pursuant to sections 700.650 to 700.680 who already has installation experience but who has not met the training and examination requirements for licensure. The limited use installer license shall allow the person to install manufactured homes under the supervision of a person currently licensed pursuant to sections 700.650 to 700.680. The limited use license shall expire when the commission issues an installer license to the applicant or if the applicant fails to attain a passing grade on the examination. The commission may renew an applicant's limited use license one time.

700.668. 1. The commission shall mail a renewal notice to the last known address of each installer licensee prior to the renewal date and shall establish procedures and requirements, including proof of continuing education, for renewing an installer license. The commission shall renew the license of a licensee who fulfills these requirements before the expiration date of his or her license and within a time period determined by the commission. The commission shall deny renewal to a licensee who does not fulfill these requirements.

2. Within ten days of receiving notification, a licensee shall notify the commission in writing of the cancellation, termination, or nonrenewal of any workers' compensation coverage or general liability insurance required by section 700.659. The commission may suspend an installer license until the licensee provides proof that the insurance coverage is restored.

3. Upon a licensee's written request, the commission may grant inactive status to a licensee, if the person meets the licensing requirements in sections 700.650 to 700.680 and:

(1) Does not install manufactured homes, except as allowed pursuant to section 700.659;

(2) Does not hold himself or herself out as an installer in the state of Missouri; and

(3) Maintains continuing education requirements established by the commission.

4. The commission may establish procedures and requirements for reissuing an installer license that has lapsed, expired, or

been suspended, revoked, or placed on inactive status. The commission shall not reissue a license more than two years after its expiration date.

700.671. 1. No person shall:

(1) Falsely hold himself, herself, or a business organization out as a licensed installer;

(2) Falsely impersonate a licensed installer;

(3) Present as his or her own the installer's license of another;

(4) Knowingly give false or forged evidence to the commission;

(5) Use or attempt to use an installer license that has been suspended or revoked; or

(6) Engage in the business or act in the capacity of a licensed installer or advertise himself, herself, or a business organization as available to engage in the business or act in the capacity of an installer without being duly licensed by the commission.

2. Any person who violates any provision of this section is guilty of a class A misdemeanor.

700.674. No person licensed as an installer and no applicant shall:

(1) Obtain an installer license by fraud or misrepresentation;

(2) Be convicted of or found guilty of, or enter a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the business of performing or the ability to perform manufactured home installation;

(3) Violate any order of the commission;

(4) Commit misconduct, fraud, misrepresentation, or dishonesty in installing manufactured homes;

(5) Commit gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property; or

(6) Commit violations of installation standards adopted by the commission pursuant to section 700.683.

700.677. 1. Notwithstanding any provision of law to the contrary, the commission may discipline a holder of an installer license, a holder of a limited use installer license, or any other person for any violation or combination of violations of sections 700.671 and 700.674.

2. The commission may discipline a licensee or applicant who violates any provision of section 700.674 by:

(1) Revoking a license;

(2) Suspending a license;

(3) Requiring the person to take and pass, or retake and pass, an examination approved by the commission;

(4) Placing the person on probation;

(5) Sending the person a notice of noncompliance; or

(6) Refusing to issue a license.

3. The commission may consider a complaint filed with it charging a licensed installer with a violation of the provisions of sections 700.650 to 700.680. If proven, the charges shall constitute grounds for revoking or suspending the installer license or for placing the licensed installer on probation.

4. If it refuses to issue or renew an installer license or limited use installer license, the commission shall notify the person, in writing, of:

(1) The reasons for refusal;

(2) The option to resolve the matter through the commission's alternative dispute resolution process;

(3) The opportunity to file a formal complaint with the commission if the person does not choose alternative dispute resolution or if that process fails to resolve the matter; and

(4) The right to review by the circuit court, pursuant to section 386.510, RSMo.

700.680. 1. The commission shall investigate all complaints concerning violations of sections 700.650 to 700.680 to determine if there are grounds for disciplining a holder of an installer license or limited use installer license or for refusing to issue either form of license to an applicant.

2. The commission may issue subpoenas duces tecum in order to cause any installer licensee, holder of a limited use installer license, or other person to produce records or appear as a witness in connection with an investigation or proceeding pursuant to this section.

3. In lieu of or in addition to any remedy provided in this section, the commission may file a petition in the name of the state asking a court to issue a restraining order or a writ of mandamus against any person who is or who had been violating any of the provisions of sections 700.650 to 700.680 or any rule, order, or subpoena issued by the commission.

700.683. 1. The commission shall require installers to install homes in accordance with the installation instructions provided by the manufacturer of the manufactured home. The instructions shall have been approved by the United States Department of Housing and Urban Development or one of its authorized agents pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

2. The commission shall adopt uniform, reasonable standards for the proper installation of manufactured homes in this state including, but not limited to, standards for the foundation, supports, anchoring, underpinning, and joining of the sections of the home. The standards shall provide for physical engineering needed to appropriately install a manufactured home on a specific site.

3. Each licensed installer shall purchase installation decals from the commission for a fee established by the commission. An installation decal shall be affixed to the manufactured home upon completion of the installation. The decal shall note the installer's license number and shall be permanently affixed to the manufactured home at a location determined by the commission.

700.686. The commission shall conduct inspections of new manufactured home installations performed by licensed installers consistent with standards adopted pursuant to section 700.683 and with requirements established by the United States Department of Housing and Urban Development.

700.689. The commission shall implement a process, by rule, consistent with Title VI of PL 106-569 and any federal regulations promulgated pursuant to that act, to resolve disputes arising among manufacturers, dealers, and installers of manufactured homes regarding responsibility for correcting or repairing defects in

manufactured homes that are reported during the one-year period beginning on the date of installation. The program shall provide for issuing appropriate orders.

700.692. 1. The commission may implement sections 700.650 to 700.692 using its own employees, using independent contractors, consistent with policies established by the office of administration, or through other private or public entities that provide a service to an applicant or licensee at the expense of the applicant, licensee, or his or her employer.

2. The commission may establish reasonable fees to cover the cost of implementing sections 700.650 to 700.692. The commission shall collect the fees and transmit them to the department of revenue for deposit in the state treasury to the credit of the "Manufactured Housing Fund" created pursuant to section 700.040.

3. The commission may promulgate any rules necessary and convenient to carry out the purposes of sections 700.650 to 700.692. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1493, Page 5, Section 247.172, Line 105, by inserting after all of said line the following:

"386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393, RSMo, and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the total amount so assessed to all such public utilities shall not exceed one-fourth of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such

payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, RSMo, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

6. (1) Prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 2006, the commission shall request from the office of the public counsel an estimate of the costs to be incurred by the public counsel reasonably attributable to the representation of gas, water, and electrical utility customers. The commission shall assess this amount to the public utilities subject to the jurisdiction of the commission, subject to reduction as herein provided, in proportion to their respective gross intrastate operating revenues during the preceding calendar year; provided that the total amount so assessed on behalf of public counsel shall not exceed three one-hundredths of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

(2) In fiscal year 2006, two-thirds of the public counsel's funding for its representation of gas, water, and electrical utility customers as established in subdivision (1) of this subsection shall be appropriated from the general revenue fund, and one-third shall come from the assessments established in subdivision (1) of this subsection. In fiscal year 2007, one-third of the public counsel's funding for its representation of gas, water, and electrical utility customers as established in subdivision (1) of this subsection shall be appropriated from the general revenue fund, and two-thirds shall come from the assessments established in subdivision (1) of this subsection. In fiscal year 2008 and all fiscal years thereafter, one hundred percent of the funding for public counsel's representation of gas, water, and electrical utility customers shall come from the assessments established in subdivision (1) of this subsection. Other functions within the office shall continue to be funded through general revenue or other appropriated funds pursuant to section 386.710.

7. The commission shall render a statement for the public counsel assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement; except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of such statement, to wit: July fifteenth, October fifteenth, January fifteenth, and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

8. The state treasurer shall credit payments received for the public counsel to a special fund, which is hereby created, to be known as the "Public Counsel Fund" with such fund to be devoted solely to the payment of expenditures actually incurred by the public counsel and attributable to its representation of utility customers. Notwithstanding the provisions of section 33.080, RSMo, any amount remaining in such special fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the public counsel in the succeeding fiscal year and shall be applied by the commissioner to the reduction of the amount to be assessed to any such public utility in

such succeeding fiscal year.

386.385. 1. As used in this section, the term "fuel cost" means the amount paid by an electrical corporation for natural gas, oil, or coal, including the transportation thereof, used by the corporation or another entity to generate for or to supply electrical energy to the corporation.

2. Any electrical corporation, as defined in section 386.020, shall be allowed, if the commission finds it to be in the interest of both consumers and the electrical corporation, to recover all of its reasonably and prudently incurred costs for fuel delivered to its generating stations and all of its reasonably and prudently incurred costs for the variable cost component of purchased electrical energy for its retail customers through energy cost adjustment schedules designed to specifically recover such costs.

3. An electrical corporation desiring to collect its energy costs through an energy cost adjustment schedule shall file a proposed schedule with the public service commission for consideration as part of a general rate proceeding unless it has been explicitly permitted to do so by the commission after a contested proceeding.

4. The public service commission shall establish and implement a true-up mechanism, which shall accurately and appropriately remedy any over-collections or under-collections from previous adjustment periods including interest at the electrical corporation's short-term rate, through inclusion of such under or over recoveries in subsequent energy cost adjustments.

5. The public service commission shall allow modification of the energy cost adjustment schedules authorized by this section to be made every ninety days to reflect increases and decreases in fuel costs and purchased energy costs above or below the costs of such items reflected in the permanent base rates of the electrical corporation on file with and approved by the public service commission, provided that such adjustments shall not include any adjustment for the costs of fuel used to generate electricity sold at wholesale or for the revenues received from sales of electricity at wholesale. Changes in such energy cost adjustments shall be made no more often than every ninety days.

6. An electrical corporation shall not collect an energy cost adjustment for a period exceeding three years unless the electrical corporation has filed for or is the subject of a new general rate proceeding, or unless the electrical corporation has been explicitly permitted to do so by the commission after a contested proceeding. However, the energy cost adjustment may be collected until the effective date of the new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a public service commission order without new rates being established.

7. Once an electrical corporation has begun collecting costs under an energy adjustment clause the electrical corporation shall not withdraw or discontinue the use of an energy cost adjustment clause unless it has been explicitly permitted to do so by the public service commission after a contested proceeding.

8. Nothing in this section shall allow an electrical corporation to avoid any rate freeze, moratorium, or other commitments made in connection with a settlement of any prior proceeding.

9. Nothing in this section shall be construed as limiting the authority of the public service commission, during any general rate proceeding of any electrical corporation, to review and consider fuel costs, purchased electrical energy costs, or other costs, including fuel-related costs.

10. The commission may take into account any reduction in business risk to an electrical corporation resulting from the energy adjustment clause in setting the electrical corporation's allowed return in any rate proceeding.

11. The public service commission shall have authority to implement mechanisms designed to provide the electrical corporation with incentives for performance in the acquisition of fuel and purchased power and to ensure economic dispatch of electricity.

12. An electrical corporation adopting an energy adjustment clause shall at all times be required to conduct its

affairs in a reasonable and prudent manner, and its actions shall be subject to full prudence review on a periodic schedule basis to be proposed by the utility provided that such reviews shall be commenced at least once every thirty-six months, and may be combined with a general rate proceeding.

13. The commission shall adopt regulations to carry into effect the provisions of this section as it may deem necessary.

14. The provisions of this section shall take effect January 1, 2005."; and

Further amend said bill, page 6, section 386.390, line 40, by inserting after all of said line the following:

"386.900. 1. Any electrical corporation proposing to construct, lease, or invest more than ten percent of its net electric utility plant in Missouri as stated in the utility's annual report to the Missouri public service commission in any new generation plant must provide notice to the commission of its proposal pursuant to section 393.156, RSMo. The commission shall establish rules and regulations governing any competitive bidding process which it may require such corporation to engage in with respect to any such proposal and shall require such corporation to provide information regarding such process to the commission. The corporation shall identify all material for which a need for confidentiality is asserted.

2. The commission shall prescribe such rules and regulations to carry into effect the provisions of this section as it may deem necessary. No rule or portion of the rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend said bill, page 10, section 393.156, line 128, by inserting after all of said line the following:

"393.190. 1. No gas corporation, electrical corporation, water corporation or sewer corporation, whether organized, existing, or incorporated under the laws of this state or organized, existing, or incorporated under the laws of another state or country, shall hereafter sell, assign, lease, transfer, mortgage, or otherwise dispose of or encumber the whole or any part of its franchise, works [or] system, or other assets necessary or useful in the performance of its duties to the public, nor by any means, direct or indirect, merge or consolidate such works or system, or franchises, or any part thereof, with any other corporation, person or public utility, without having first secured from the commission an order authorizing it so to do. Every such sale, assignment, lease, transfer, mortgage, disposition, encumbrance, merger or consolidation made other than in accordance with the order of the commission authorizing same shall be void. The permission and approval of the commission to the exercise of a franchise or permit under this chapter, or the sale, assignment, lease, transfer, mortgage or other disposition or encumbrance of a franchise or permit under this section shall not be construed to revive or validate any lapsed or invalid franchise or permit, or to enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or to waive any forfeiture. Any person seeking any order under this subsection authorizing the sale, assignment, lease, transfer, merger, consolidation or other disposition, direct or indirect, of any gas corporation, electrical corporation, water corporation, or sewer corporation, shall, at the time of application for any such order, file with the commission a statement, in such form, manner and detail as the commission shall require, as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation, or other disposition will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the corporations involved in such disposition are located. The commission shall send a copy of all information obtained by it as to what, if any, impact such sale, assignment, lease, transfer, merger, consolidation or other disposition will have on the tax revenues of various political subdivisions to the county clerk of each county in which any portion of a political subdivision which will be affected by such disposition is located. Nothing in this subsection contained shall be construed to prevent the sale, assignment, lease or other disposition by any corporation, person or public utility of a class designated in this subsection of property which is not necessary or useful in the performance of its duties to the public, and any sale of its property by such corporation, person or public utility shall be conclusively presumed to have been of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser of such property in good faith for value.

2. No such corporation shall directly or indirectly acquire the stock or bonds of any other corporation incorporated for, or engaged in, the same or a similar business, or proposing to operate or operating under a franchise from the same or any other municipality; neither shall any street railroad corporation acquire the stock or bonds of any electrical

corporation, unless, in either case, authorized so to do by the commission. Save where stock shall be transferred or held for the purpose of collateral security, no stock corporation of any description, domestic or foreign, other than a gas corporation, electrical corporation, water corporation, sewer corporation or street railroad corporation, shall, without the consent of the commission, purchase or acquire, take or hold, more than ten percent of the total capital stock issued by any gas corporation, electrical corporation, water corporation or sewer corporation organized or existing under or by virtue of the laws of this state, except that a corporation now lawfully holding a majority of the capital stock of any gas corporation, electrical corporation, water corporation or sewer corporation may, with the consent of the commission, acquire and hold the remainder of the capital stock of such gas corporation, electrical corporation, water corporation or sewer corporation, or any portion thereof.

3. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired, or to prevent upon the surrender or exchange of said stock pursuant to a reorganization plan, the purchase, acquisition, taking or holding of a proportionate amount of stock of any new corporation organized to take over, at foreclosure or other sale, the property of any corporation whose stock has been thus surrendered or exchanged. Every contract, assignment, transfer or agreement for transfer of any stock by or through any person or corporation to any corporation in violation of any provision of this chapter shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any such gas corporation, electrical corporation, water corporation or sewer corporation or shall be recognized as effective for any purpose."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Steelman, **HB 1493**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 1617**, as amended: Senators Bartle, Yeckel, Scott, Caskey and Kennedy.

PRIVILEGED MOTIONS

Senator Bartle moved that **SB 870**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 870**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 870

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to sexually-oriented billboards, with penalty provisions.

Was taken up.

Senator Childers assumed the Chair.

Senator Bartle moved that **HS** for **HCS** for **SB 870**, as amended, be adopted, which motion prevailed by the following vote:

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Bartle, **HS** for **HCS** for **SB 870**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Goode--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 51**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 50**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 49**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 1877**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, the poultry industry is a vital, profitable, and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, the Poultry Industry Committee was created in 2002 to study the economic and environmental impact of the poultry industry in this state, especially the impacts this industry has on sensitive environmental areas; and

WHEREAS, while the Poultry Industry Committee has officially completed its duties, there is still work to be accomplished; and

WHEREAS, the forestry industry is a vital industry to Missouri, representing over fourteen million acres of Missouri timberland, which ranks our state seventh out of the twenty northeastern timber states, supports the bulk of Missouri recreation and tourism, directly provides thousands of jobs and supports tens of thousands of jobs where forest land and products are a vital component, directly generates three billion dollars of revenue, and indirectly supports the generation of many more billions of dollars in revenue; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic contribution of this industry while making every attempt to minimize environmental harm and other negative aspects of the industry; and

WHEREAS, the industries' current practice of harvesting sixty percent of the tree, and its predominant production of low value-added products, limits the potential economic contribution to industry participants and to the state; and

WHEREAS, there exists a need for a study of the potential for increased industrial strength and rural economic gains to be realized by forestry adopting modern industrial business models and value-added techniques:

NOW, THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby reauthorize the "Poultry Industry Committee" to continue its review and evaluation of both the economic impact of the poultry industry, waste disposal issues, and environmental impacts of this industry, and as well as making recommendations on further action or legislative remedies, if any, to be taken as necessary; and

NOW, THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby authorize the creation of a "Forestry Utilization Committee", which shall review and evaluate both the industrial and economic impact of forestry utilization and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall be composed of twenty-seven members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute

(FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Southwest Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, one person from Missouri Farm Credit Services. Each member of the Committee shall serve until December 31, 2005; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Poultry Industry Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation and the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Poultry Industry Committee; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall continue to study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2005; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee shall be composed of twenty-three members, one member to be a member of the Missouri Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the Missouri House of Representatives to be appointed by the Speaker of the House, two county commissioners appointed by the Missouri Association of Counties, two forest landowners representing small forestry holdings with owners of less than two hundred acres of timber and two representatives of large forestry holdings with greater than two hundred acres of timber, both to be appointed by the Missouri Farm Bureau, a representative from the Resource Conservation and Development Councils, a representative from the Missouri Department of Natural Resources' Energy Center, a representative from the Missouri Enterprise Business Assistance Center, a representative of the United States Department of Agriculture Forest Service's North Central Forest Experimental Station, a representative of the University of Missouri's School of Natural Resources, a representative of the Society of American Foresters, a representative from the Missouri Department of Conservation's Division of Forestry, a representative of the Missouri Forest Products Association, a representative of the Missouri Department of Agriculture's Business Development Division, two representatives of a large-volume active sawmill and two representatives of a small-volume active sawmill appointed by the Missouri Forest Products Association, a representative of the School of Agricultural Sciences at Southwest Missouri State University and a representative of the Department of Agriculture, School of Polytechnic Studies at Southeast Missouri State University. Each member of the committee shall serve until December 31, 2005. A chairman, vice-chairman, and secretary shall be elected by the membership of the committee to conduct the business of the committee; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee may conduct its business by various means but shall meet no less than twice each year as a full committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Forestry Utilization Committee in carrying out its duties, including allowing access to closed records, provided that the Forestry Utilization Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order, and any such information in the custody of the committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide minimal funding, administrative support, and staff for the effective operation of the committee; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee shall study problems and solutions, collect information, and provide recommendations in a report to the General Assembly before July 30, 2005; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee shall submit its final report to the General Assembly no later than December 31, 2005; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 15, 2004 for your advice and consent:

Caroline L. Pufalt, Democrat, 13415 Land O Woods Drive, #3, Chesterfield, St. Louis County, Missouri 63141, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2005, and until her successor is duly appointed and qualified; vice, Frank Beller, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1099**--Ways and Means.

HB 1548--Financial and Governmental Organization, Veterans' Affairs and Elections.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 899**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1130**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1172**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 788**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 842**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1242**, entitled:

An Act to repeal sections 169.270, 169.291, 169.295, 169.311, 169.313, 169.322, 169.324, and 169.328, RSMo, and to enact in lieu thereof seven new sections relating to school employee retirement.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 859**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1078**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1083**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1086**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1235**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1055**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1195**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1243**.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HS for **HB 1193**, with **SCS**, introduced by Representative Self, entitled:

An Act to repeal sections 486.225, 486.235, 486.240, 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and 486.395, RSMo, and to enact in lieu thereof nineteen new sections relating to notaries public, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for **HS** for **HB 1193**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1193An Act to repeal sections 486.225, 486.235, 486.240, 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and 486.395, RSMo, and to enact in lieu thereof nineteen new sections relating to notaries public, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **HS** for **HB 1193** be adopted.

At the request of Senator Loudon, **HS** for **HB 1193**, with **SCS**, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1006** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1006**.

HOUSE BILLS ON THIRD READING

HS for **HB 1021**, with **SCS**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Russell.

SCS for **HS** for **HB 1021**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1021

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up.

Senator Russell moved that **SCS** for **HS** for **HB 1021** be adopted.

Senator Russell offered **SS** for **SCS** for **HS** for **HB 1021**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1021

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Senator Russell moved that **SS** for **SCS** for **HS** for **HB 1021** be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HS** for **HB 1021** and was joined in his request by Senators Bland, Callahan, Russell and Mathewson.

SS for **SCS** for **HS** for **HB 1021** was adopted by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senator Jacob--1			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

On motion of Senator Russell, **SS** for **SCS** for **HS** for **HB 1021** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

Senator Shields assumed the Chair.

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1006** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1006

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1006 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1006.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1006.
- That the attached Conference Committee Substitute for House Bill No. 1006, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Allen Icet
/s/ Jim Whorton
/s/ J. C. Kuessner

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1006**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1006An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

NAYS--Senators--None

Absent--Senator Wheeler--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1007**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1007

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1007.

- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1007.
- That the attached Conference Committee Substitute for House Bill No. 1007, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
 /s/ Charles R. Gross
 /s/ Charlie Shields
 /s/ Wayne Goode
 /s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
 /s/ Brad Lager
 /s/ Allen Icet
 /s/ Jenee Lowe
 /s/ Amber Boykins

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1007An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode

Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **HS** for **HB 1193**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HS** for **HB 1193** was again taken up.

Senator Loudon moved that **SCS** for **HS** for **HB 1193** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **HS** for **HB 1193** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Bland--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1008** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1008**.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1008** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1008

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1008 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1008.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1008.
- That the attached Conference Committee Substitute for House Bill No. 1008, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Allen Icet
/s/ Frank A. Barnitz
/s/ Ed Wildberger

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler
Yeckel--34
NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1008**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1008An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1009** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1009

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1009 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1009.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1009.
- That the attached Conference Committee Substitute for House Bill No. 1009, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Bryan P. Stevenson
/s/ Dan Ward
/s/ Tim Meadows

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1009An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Bland--1

Absent--Senators--None

Absent with leave--Senators--None

Senator Bartle assumed the Chair.

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1010**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1010

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1010.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1010.
- That the attached Conference Committee Substitute for House Bill No. 1010, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell

FOR THE HOUSE:

/s/ Carl Bearden

/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

/s/ Brad Lager
/s/ Bryan P. Stevenson
/s/ Vicky Riback Wilson
/s/ Connie L. Johnson

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1010**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1010An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1070, introduced by Representative Miller, et al, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to emergency preparedness plans for schools.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1070** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 985**, entitled:

An Act to repeal sections 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, and 339.800, RSMo, and to enact in lieu thereof seventeen new sections relating to real estate agents, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HCS** for **HB 985** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Klindt Mathewson--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 970, introduced by Representative Portwood, et al, entitled:

An Act to repeal sections 332.171, 332.181, 332.261, 332.321, and 332.341, RSMo, and to enact in lieu thereof five new sections relating to dentists and dental hygienists.

Was called from the Consent Calendar and taken up by Senator Shields.

On motion of Senator Shields, **HB 970** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1187, introduced by Representative Ervin, et al, entitled:

An Act to repeal section 64.342, RSMo, and to enact in lieu thereof one new section relating to park concession stands.

Was called from the Consent Calendar and taken up by Senator Quick.

On motion of Senator Quick, **HB 1187** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1362, introduced by Representative Hobbs, et al, entitled:

An Act to repeal section 64.825, RSMo, and to enact in lieu thereof one new section relating to regulation of subdivisions in unincorporated areas.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HB 1362** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Wheeler--1			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1011**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1011**.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1011**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1011

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1011 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1011.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1011.
- That the attached Conference Committee Substitute for House Bill No. 1011, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
Wayne Goode
Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Allen Icet
/s/ Marsha Campbell
/s/ Sharon Sanders Brooks

Senator Russell moved that the above conference committee report be adopted.

Senator Jacob offered a substitute motion that the Senate refuse to adopt the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1011** and request the House to grant further conference thereon, and that the Senate conferees be instructed to restore funding under the Medicaid fee-for-service and managed care programs for Medicaid coverage for adults with incomes that do not exceed 77% of the federal poverty level and to restore funding for general relief payments.

Senator Gross assumed the Chair.

Senator Jacob requested a roll call vote be taken on the adoption of his substitute motion and was joined in his request by Senators Bray, Caskey, Days and Quick.

Senator Jacob's substitute motion failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Bartle assumed the Chair.

Senator Russell moved that the conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
NAYS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1011**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1011An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
	NAYS--Senators		
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler--13			
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1012**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1012**.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1012**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1012

The Conference Committee appointed on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1012.
- That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1012.
- That the attached Conference Committee Substitute for House Bill No. 1012, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Charles R. Gross
/s/ Charlie Shields
/s/ Wayne Goode
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
/s/ Brad Lager
/s/ Bryan P. Stevenson
Paul LeVota
Margaret Donnelly

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--27	

NAYS--Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Kennedy--7	

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Russell, **CCS** for **SCS** for **HS** for **HCS** for **HB 1012**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1012An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office

of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2004 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel--26		
	NAYS--Senators		
Bland	Bray	Caskey	Coleman
Days	Dougherty	Kennedy	Wheeler--8
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 1902, regarding Kelly Fitzsimmons, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1903, regarding the Barton County Relay for Life, which was adopted.

Senator Coleman offered Senate Resolution No. 1904, regarding Lieutenant Colonel Everett E. Page, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1905, regarding the Affton School District, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1906, regarding the Kirkwood R-VII School District, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1907, regarding the Parkway C-2 School District, Chesterfield, which was adopted.

Senator Gibbons offered Senate Resolution No. 1908, regarding the Rockwood R-VI School District, Eureka, which was adopted.

Senator Gibbons offered Senate Resolution No. 1909, regarding the Webster Groves School District, Webster Groves, which was adopted.

Senator Scott offered Senate Resolution No. 1910, regarding Ruth Elaine Weil, Butler, which was adopted.

Senator Yeckel offered Senate Resolution No. 1911, regarding the Affton 101 School District, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, Drew Richards, and Rod and Marcus Gorman, Rogersville.

Senator Mathewson introduced to the Senate, Jojo Carrillo, Wellington; Ronnie Reynolds, Terri Fagan and Richard Cole, Lexington; and Nina Bray, Higginsville.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SEVENTH DAY-FRIDAY, MAY 7, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-Kinder

(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HB 1409-Dempsey, with SCS
(Mathewson) (In Fiscal Oversight)
2. HS for HCS for HJR 39, 38, 42 & 47-
Engler (Steelman)
3. HCS for HB 1093 (Kinder)
4. HS for HCS for HB 1195-Behnen, with
SCS (Yeckel)
5. HCS for HB 955 (Yeckel)
6. HB 1665-Hanaway, et al, with SCS (Scott)
7. HB 841-Angst, with SCS (Steelman)
8. HCS for HB 1277, with SCS (Steelman)
9. HCS for HBs 1286 & 1175, with SCS
(Griesheimer)
10. HB 956-May (149)
11. HCS for HBs 1098 & 949
12. HS for HB 1599-Ervin, with SCS
13. HS for HCS for HB 1150-May,
with SCS (Scott)
14. HS for HCS for HB 1433-Wood
(Childers)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelmann, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS &
SS for SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1
for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &
SA 2 (pending)

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS
for SS for SCS, SA 2 & SSA 1 for SA 2
(pending)

SB 906-Foster, with SCS, SS for SCS &
SA 2 (pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelmann and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross
and Griesheimer, with SCS, SS for
SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelmann, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelmann, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order

(pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)

HCS for HBs 946, 1106 & 952,

with SCS (Dolan)

HB 969-Cooper, et al, with SA 1

(pending) (Bartle)

HCS for HB 980, with SS (pending) (Klindt)

HCS for HB 1115 (Gross)

HCS for HB 1182, with SCS &

SS for SCS (pending) (Klindt)

HCS for HB 1209 (Kinder)

HS for HCS for HBs 1268 & 1211-Smith

(118), with SCS, SS for SCS & SS for

SS for SCS (pending) (Loudon)

HCS for HB 1278, with SCS (Loudon)

HCS for HB 1439 (Dolan)

HS for HCS for HB 1453-Hanaway,

with SCS (Shields)

HB 1493-Emery, et al, with SCS & SA 3

(pending) (Steelman)

HS for HCS for HB 1566-Stefanick, with

SCS, SS for SCS, SS for SS for SCS,

SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/5

HB 975-Johnson (47), et al (Wheeler)

Reported 4/13

HB 1377-Sutherland, et al (Griesheimer)

HB 1398-Lager (Klindt)

HB 1407-Mayer and Villa (Dolan)

HB 1494-Ervin (Quick)

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1508-Baker (Bartle)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 757-Shields, with HCA 1

SB 824-Griesheimer, with HCS

SB 884-Klindt, with HCS

SB 932-Loudon, with HS, as amended

SS for SCS for SB 960-Gibbons, with HCS,
as amended

SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended

SCS for SB 1091-Klindt, with HCS

SB 1242-Wheeler, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS
for HCS, as amended

HCS for HBs 795, 972, 1128 & 1161, with
SS for SCS, as amended (Childers)

HCS for HB 959, with SCS, as amended
(Yeckel)

HS for HCS for HB 978-Baker, with SS,
as amended (Yeckel)

HCS for HB 1305, with SCS, as amended

(Scott)

HCS for HB 1617, with SSA 1 for SA 1

(Bartle)

Requests to Recede or Grant Conference

SCS#2 for SB 762-Champion, with HS for

HCS, as amended (Senate requests

House recede or grant conference)

SCS for SB 1106-Shields, with HCS

(Senate requests House recede or

grant conference)

HCS for HBs 1074 & 1129, with SCS

(Kinder) (House requests Senate

recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 45-Dougherty

SCR 46-Gross

HCR 10-Myers (Klindt)

HCR 12-Kelly (36) (Mathewson)

SCR 51-Kinder and Jacob

SCR 50-Shields

SCR 49-Nodler

SR 1877-Dougherty

HCR 21-Ruestman, et al, with SCS (Childers)

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SEVENTH DAY--FRIDAY, MAY 7, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"Not that God grows through our praises, but that we do." (St. Augustine)

Almighty God, as we complete this week, we do so knowing that You have helped us all along the way and we give You praise. We see the blessings of all that lies before us in Your granting us time for our work, time with our families and time with You, our God. May we continue to grow in freedom to act, in love to giving ourselves away and in laughter from the utter joy of Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

Senator Shields assumed the Chair.

RESOLUTIONS

Senators Bartle and Wheeler offered Senate Resolution No. 1912, regarding Rena A. Duewel, Shawnee, Kansas, which was adopted.

Senator Bartle offered Senate Resolution No. 1913, regarding Dianne Odell, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 1914, regarding Carole Marie Rose, Grandview, which was adopted.

Senator Bartle offered Senate Resolution No. 1915, regarding Lee's Summit Community Christian School, which was adopted.

Senator Yeckel offered Senate Resolution No. 1916, regarding Kyle David Kraft, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1917, regarding Nancy Lieberman, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Kinder moved that **SCR 51**, entitled:

An Act relating to recognition of the Ellis Fischel Cancer Center.

Be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Kinder, **SCR 51** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Dolan	Quick--2		
Absent with leave--Senators--None			

The President declared the concurrent resolution passed.

On motion of Senator Kinder, title to the concurrent resolution was agreed to.

Senator Kinder moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Bartle assumed the Chair.

REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HB 1195**, with **SCS**; **HCS** for **HB 1277**, with **SCS**; and **HS** for **HCS** for **HB 1433** to the Committee on Governmental Accountability and Fiscal Oversight.

CONCURRENT RESOLUTIONS

Senator Nodler moved that **SCR 49** be taken up for adoption, which motion prevailed.

President Maxwell assumed the Chair.

Senator Nodler moved that **SCR 49** be adopted.

At the request of Senator Nodler, the above motion was withdrawn.

Senator Dougherty moved that **SCR 45**, entitled:

An Act relating to the designation of April as "Literacy Month" in Missouri.

Be taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Dougherty, **SCR 45** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Klindt	Quick	Steelman--4
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Absent with leave--Senators--None

The President declared the concurrent resolution passed.

On motion of Senator Dougherty, title to the concurrent resolution was agreed to.

Senator Dougherty moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Shields moved that **SCR 50** be taken up for adoption, which motion prevailed.

Senator Shields offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 50, appearing on Page 1236 of the Senate Journal for Tuesday, May 4, 2004, Column 1, Line 30 of said column, by striking "of each year" and inserting in lieu thereof the following: "2004"; and further amend line 34 of said column, by inserting immediately after the word "for" for the following: "President George W. Bush, Secretary of State Colin Powell, Secretary of Health and Human Services Tommy Thompson, the Taipei Economic and Cultural Office in Kansas City, Missouri and".

Senator Shields moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Shields, **SCR 50**, as amended, was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan

Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

Senator Childers moved that **HCR 21**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 21** was taken up.

Senator Childers moved that **SCS** for **HCR 21** be adopted, which motion prevailed.

On motion of Senator Childers, **HCR 21**, as amended by the **SCS**, was adopted by the following vote:

YEAS--Senators

Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Quick--2

Absent with leave--Senators--None

HCR 12, introduced by Representative Kelly (36), entitled:

An Act relating to the designation of Miss Missouri as an official hostess of the State of Missouri.

Was taken up for 3rd reading and final passage by Senator Mathewson.

On motion of Senator Mathewson, **HCR 12** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None

Absent--Senators

Goode--2

Coleman

Absent with leave--Senators--None

The President declared the concurrent resolution passed.

On motion of Senator Mathewson, title to the concurrent resolution was agreed to.

Senator Mathewson moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Klindt moved that **HCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Klindt, **HCR 10** was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Goode	Jacob	Russell--4
	Absent with leave--Senators--None		

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1259**, entitled:

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to temporary boater education permits.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1299**, entitled:

An Act to repeal sections 375.772, 375.773, 375.774, 375.775, 375.776, 375.778, 375.779, 379.110, 379.815, 379.825, 384.043, 384.062, and 384.065, RSMo, and to enact in lieu thereof thirteen new sections relating to residential property insurance.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **HCS for HB 1617**, as amended. Representatives: Hanaway, Lipke, Ruestman, Burnett and Carnahan.

HOUSE BILLS ON THIRD READING

Senator Bartle moved that **HB 969**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Goode offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend House Bill No. 969, page 4, Section 143.435, Line 46, by inserting after the word "costs" as it appears the second time on said line the following: "**paid by the corporation to the related entity for each transaction**"; and further amend Line 47, by inserting after the word "are" the following: "**the lesser of an amount which is, on average, equal to or less than the amounts paid by persons that are not related entities to the related entity for each similar transaction, or an amount which is**"; and further amend Line 48, by striking said line and inserting in lieu thereof the following: "**an independent appraisal or other evidence, that the related entity receives at least five percent of its federal adjusted gross income from similar transactions with persons that are not related entities, and that all of the following**"; and further amend Line 49, by striking the following: "facts with respect to a"; and inserting in lieu thereof the following: "**facts exist with respect to the**"; and further amend Line 55, by inserting after "(c)" the following: "**More than fifty percent of the**"; and further amend Lines 56 and 57, by striking said lines and inserting in lieu thereof the following: "**is retained and invested by the related entity with persons that are not related entities and is not paid to the corporation or related entities as dividends**"; and further amend Line 59, by striking said line and inserting in lieu thereof the following: "**entity are paid for by the related entity, at least ten percent of such expenses are paid to persons that are not related entities, and to the extent such services are provided by the**".

Senator Goode requested unanimous consent of the Senate to allow Senator Mathewson to be recognized to handle **SSA 1** for **SA 1** in his absence, which request was granted.

Senator Mathewson moved that the above substitute amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 969, Page 4, Section 143.435, Line 72, by inserting after all of said line the following:

"324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be [revoked] **suspended** within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. **The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the**

licensee that the delinquency has been remedied. Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Vogel offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 969, Page 1, Section A, Line 2, by inserting after all of said line the following:

"137.078. 1. For purposes of this section, the following terms shall mean:

- (1) "Analog equipment", all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows and commercials through the use of analog technology;**
- (2) "Applicable analog fraction", a fraction, the numerator of which is the total number of analog television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The applicable analog fraction will be determined on an annual basis by the Missouri Broadcasters Association;**
- (3) "Applicable digital fraction", a fraction, the numerator of which is the total number of digital television sets in the United States for the immediately preceding calendar year and the denominator of which is an amount representing the total combined number of analog and digital television sets in the United States for the immediately preceding calendar year. The applicable digital fraction will be determined on an annual basis by the Missouri Broadcasters Association;**
- (4) "Applicable analog percentage", the following percentages for the following years:**

2004	2005	2006	2007
Year of Acquisition Tax Year Tax Year Tax Year Tax Year			
			1%
			2006 1%
		2005	25% 1%
	2004	50% 25%	1%
	2003	75% 50% 25%	1%
	2002	75% 50% 25%	1%
	2001	75% 50% 25%	1%
	2000	75% 50% 25%	1%
	1999	75% 50% 25%	1%
	1998	75% 50% 25%	1%
	Prior	75% 50% 25%	1%

- (5) "Digital equipment", all depreciable items of tangible personal property that are used directly or indirectly in broadcasting television shows and commercials through the use of digital technology;
- (6) "Television broadcasters", all businesses that own, lease, or operate television broadcasting stations that transmit television shows and commercials and that are required to be licensed by the Federal Communications Commission to provide such services;
- (7) "Television broadcasting equipment", both analog equipment and digital equipment.

2. For purposes of assessing all items of television broadcasting equipment that are owned and used by television broadcasters for purposes of broadcasting television shows and commercials:

- (1) The true value in money of all analog equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (1) of subsection 3 of this section and multiplying the results by the applicable analog percentage. The results of the second computation is multiplied by the applicable analog fraction to determine the true value in money of the analog equipment; and
- (2) The true value in money of all digital equipment shall be determined by depreciating the historical cost of such property using the depreciation tables provided in subdivision (2) of subsection 3 of this section and multiplying the results by the applicable digital fraction to determine the true value in money of the digital equipment.

3. For purposes of subsection 2 of this section, the depreciation tables for determining the fair value in money of television broadcasting equipment are as follows:

(1) For analog equipment, the following depreciation tables will apply for the following years:

2004	2005	2006	2007
Year of Acquisition	Tax Year	Tax Year	Tax Year
2006	65%		
2005	65%	45%	
2004	65%	45%	30%
2003	65%	45%	30%
2002	45%	30%	20%
2001	30%	20%	10%
2000	20%	10%	5%
1999	10%	5%	5%
1998	5%	5%	5%
Prior	5%	5%	5%

(2) For digital equipment, the following depreciation tables will apply for the following years:

2004	2005	2006	2007
Year of Acquisition	Tax Year	Tax Year	Tax Year

2006 65%

2005 65% 45%

2004 65% 45% 30%

2003 65% 45% 30% 20%

2002 45% 30% 20% 10%

2001 30% 20% 10% 5%

2000 20% 10% 5% 5%

1999 10% 5% 5% 5%

1998 5% 5% 5% 5%

Prior 5% 5% 5% 5%

137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section **and section 137.078**, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used

in this paragraph, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home

located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.

15. The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2003, for any taxing jurisdiction which has at least seventy-five percent of the land area of such jurisdiction within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2005, for all taxing jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing body of such county, opt into the provisions of this act prior to January 1, 2005."; and

Further amend said bill, section 143.435, page 4, line 72, by inserting after all of said line the following:

"Section B. Section 137.078 shall become effective January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Vogel moved that the above amendment be adopted, which motion prevailed.

Senator Bartle moved that **HB 969**, as amended, be read the 3rd time and finally passed.

Senator Bartle was recognized to close.

At the request of Senator Gibbons, **HB 969**, as amended, was referred to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Klindt moved that **SCS** for **SB 1091**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1091**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1091

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to community colleges.

Was taken up.

Senator Klindt moved that **HCS** for **SCS** for **SB 1091** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bray	Coleman	Dougherty	Jacob
Quick--5			
Absent with leave--Senators--None			

On motion of Senator Klindt, **HCS** for **SCS** for **SB 1091** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Foster	Gibbons
Goode	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Dougherty	Jacob--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SCS** for **SB 757**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Goode	Jacob--3	
	Absent with leave--Senators--None		

On motion of Senator Shields, **SCS** for **SB 757**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SB 824**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 824**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 824

An Act to repeal section 301.390, RSMo, and to enact in lieu thereof one new section relating to seizure of motor vehicles with altered or missing identification numbers, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **HCS** for **SB 824** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Griesheimer, **HCS** for **SB 824** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler
Yeckel--34
NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klindt moved that **SB 884**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 884**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to amend chapter 3, RSMo, by adding thereto one new section relating to the duties of the revisor of statutes.

Was taken up.

Senator Klindt moved that **HCS** for **SB 884** be adopted.

At the request of Senator Klindt, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Gibbons moved that **SS** for **SCS** for **SB 960**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 960**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 960

An Act to repeal sections 137.073 and 137.115, RSMo, and to enact in lieu thereof four new sections relating to property tax reassessment, with an effective date for a certain section.

Was taken up.

Senator Gibbons moved that **HCS** for **SS** for **SCS** for **SB 960**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman-- 1

Absent with leave--Senators--None

On motion of Senator Gibbons, **HCS** for **SS** for **SCS** for **SB 960**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Coleman-- 1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Kinder moved that the Senate recede from its position on **SCS** for **HCS** for **HBs 1074** and **1129**, which motion prevailed.

On motion of Senator Kinder, **HCS** for **HBs 1074** and **1129** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler
Yeckel--34
NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Wheeler moved that **SB 1242**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1242**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1242

An Act to repeal sections 169.270, 169.291, 169.295, 169.311, 169.313, 169.322, 169.324, and 169.328, RSMo, and to enact in lieu thereof seven new sections relating to school employee retirement.

Was taken up.

Senator Wheeler moved that **HCS** for **SB 1242** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Kennedy--1		
	Absent with leave--Senators--None		

On motion of Senator Wheeler, **HCS** for **SB 1242** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick

Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Dolan--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Wheeler moved that **HB 975** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Wheeler, **HB 975** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Scott--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1377, introduced by Representative Sutherland, et al, entitled:

An Act to repeal sections 64.520 and 64.805, RSMo, and to enact in lieu thereof two new sections relating to expenses of county planning commissions.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HB 1377** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Scott--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1398, introduced by Representative Lager, entitled:

An Act to repeal sections 95.280 and 95.285, RSMo, and to enact in lieu thereof two new sections relating to depositaries for city funds, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 1398** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Scott--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1407, introduced by Representatives Mayer and Villa, entitled:

An Act to amend chapter 479, RSMo, by adding thereto one new section relating to adjudication of certain municipal code violations.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HB 1407** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Goode--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1494, introduced by Representative Ervin, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to boards of directors for regional recreational districts.

Was called from the Consent Calendar and taken up by Senator Quick.

On motion of Senator Quick, **HB 1494** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			

Coleman

Goode--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Kinder moved that **SS** for **SCS** for **SB 1081**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SB 1081**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081

An Act to amend chapter 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction.

Was taken up.

Senator Kinder moved that **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended, be adopted.

At the request of Senator Kinder, the above motion was withdrawn.

Senator Kinder moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon and that the conferees be allowed to exceed the differences, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 1106** and grants the Senate a conference thereon; further that the House conferees are allowed to exceed the differences to correct an intersectional reference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 1106**, as amended.

Representatives: Schaaf, Johnson 47, Guest, Wildberger and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended. Representatives: Hanaway, Stevenson, Wright, Riback Wilson (25) and Bishop.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **HCS** for **HB 1055** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1249**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1250**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1253**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 952**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1285**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1302**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1304**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1320**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 938** and has taken up and passed **SCS** for **HB 938**.

Emergency clause defeated.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 1290** and has taken up and passed **SCS** for **HS** for **HCS** for **HB 1290**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 822** and has taken up and passed **SCS** for **HB 822**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1321** and has taken up and passed **SCS** for **HCS** for **HB 1321**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1456** and **HB 824** and has taken up and passed **SCS** for **HCS** for **HB 1456** and **HB 824**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1136** and has taken up and passed **SCS** for **HCS** for **HB 1136**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 1613**, **HB 1445**, **HB 1454**, **HB 1462**, **HCS** for **HB 1471**, **HB 1608**, **HB 1612** and **HB 1635** and has taken up and passed **SCS** for **HB 1613**, **HB 1445**, **HB 1454**, **HB 1462**, **HCS** for **HB 1471**, **HB 1608**, **HB 1612** and **HB 1635**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HB 1021** and has taken up and passed **SS** for **SCS** for **HS** for **HB 1021**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1217** and has taken up and passed **SCS** for **HB 1217**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1253** and has taken up and passed **SCS** for **HCS** for **HB 1253**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1660** and has taken up and passed **SCS** for **HCS** for **HB 1660**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1634** and has taken up and passed **SCS** for **HB 1634**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1440** and has taken up and passed **SCS** for **HB 1440**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 960** and has taken up and passed **SCS** for **HB 960**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1029**, **HB 1438** and **HB 1610** and has taken up and passed **SCS** for **HB 1029**, **HB 1438** and **HB 1610**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 826** and **HCS** for **HB 883** and has taken up and passed **SCS** for **HB 826** and **HCS** for **HB 883**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280** and has taken up and passed **SCS** for **HCS** for **HB 928**, **HCS** for **HB 1123** and **HCS** for **HB 1280**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**

for **HCS** for **HB 798** and has taken up and passed **SCS** for **HCS** for **HB 798**.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended: Senators Champion, Shields, Steelman, Dougherty and Wheeler.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 1106**: Senators Shields, Bartle, Scott, Caskey and Stoll.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **HS** for **HB 1409**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Matthew Barnett, Maryville; and Matthew was made an honorary page.

Senator Champion introduced to the Senate, Debbie and Riley Shantz, Springfield.

Senator Gibbons introduced to the Senate, Joe and Cynthia Staffa and their children, Samuel, Peter, Isabella and Gracie Lee, Des Peres; and Peter, Samuel and Isabella were made honorary pages.

On motion of Senator Gibbons, the Senate adjourned until 10:00 a.m., Monday, May 10, 2004.

SENATE CALENDAR

SIXTY-EIGHTH DAY-MONDAY, MAY 10, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-
Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HB 1409-Dempsey, with SCS
(Mathewson)
2. HS for HCS for HJR 39, 38, 42 & 47-Engler
(Steelman)
3. HCS for HB 1093 (Kinder)
4. HS for HCS for HB 1195-Behnen, with SCS
(Yeckel) (In Fiscal Oversight)
5. HCS for HB 955 (Yeckel)
6. HB 1665-Hanaway, et al, with SCS (Scott)
7. HB 841-Angst, with SCS (Steelman)
8. HCS for HB 1277, with SCS (Steelman)
(In Fiscal Oversight)
9. HCS for HBs 1286 & 1175, with SCS
(Steelman)
10. HB 956-May (149) (Steelman)
11. HCS for HBs 1098 & 949 (Childers)

12. HS for HB 1599-Ervin, with SCS
 13. HS for HCS for HB 1150-May, with SCS (Scott)
 14. HS for HCS for HB 1433-Wood (Childers)
- (In Fiscal Oversight)

INFORMAL CALENDAR
SENATE BILLS FOR PERFECTION

- SB 728-Steelman, with SCS
- SB 735-Foster, et al, with SCS
- SBs 738 & 790-Loudon, with SCS & SS for
SCS (pending)
- SS for SS for SCS for SB 755-Shields
- SBs 774 & 915-Wheeler, with SCS
- SB 787-Childers, with SCS, SA 1 & SSA 1
for SA 1 (pending)
- SB 809-Klindt, with SCS, SS for SCS & SA 2
(pending)
- SB 817-Kennedy and Griesheimer, with SCS
- SB 856-Loudon, with SCS, SS for SCS, SS
for SS for SCS, SA 2 & SSA 1 for SA 2
(pending)
- SB 906-Foster, with SCS, SS for SCS &
SA 2 (pending)
- SBs 908 & 719-Cauthorn, with SCS
- SB 933-Yeckel, et al
- SB 989-Gross, et al, with SCS (pending)
- SB 990-Loudon, with SCS
- SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order

(pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)

HCS for HBs 946, 1106 & 952, with SCS

(Dolan)

HB 969-Cooper, et al, (Bartle)

(In Fiscal Oversight)

HCS for HB 980, with SS (pending) (Klindt)

HCS for HB 1115 (Gross)

HCS for HB 1182, with SCS & SS for SCS

(pending) (Klindt)

HCS for HB 1209 (Kinder)

HS for HCS for HBs 1268 & 1211-Smith

(118), with SCS, SS for SCS & SS for

SS for SCS (pending) (Loudon)

HCS for HB 1278, with SCS (Loudon)

HCS for HB 1439 (Dolan)

HS for HCS for HB 1453-Hanaway, with SCS

(Shields)

HB 1493-Emery, et al, with SCS & SA 3

(pending) (Steelman)

HS for HCS for HB 1566-Stefanick, with

SCS, SS for SCS, SS for SS for SCS,

SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

CONSENT CALENDAR

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/14

HB 1603-Lager (Klindt)

HCS for HBs 1529 & 1655 (Griesheimer)

HCS for HB 1422 (Cauthorn)

HCS for HB 1171 (Klindt)

HB 1259-Threlkeld (Griesheimer)

HCS for HB 1198 (Loudon)

HB 1502-Wilson (42), et al (Wheeler)

HB 1572-St. Onge, et al (Loudon)

HCS for HB 1614 (Steelman)

HB 884-Ward (Loudon)

HCS for HB 1233 (Griesheimer)

HCS for HB 1090 (Quick)

HB 1508-Baker (Bartle)

HB 1444-Moore, et al (Vogel)

HCS for HB 988 (Bartle)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 884-Klindt, with HCS

SB 932-Loudon, with HS, as amended

SB 1259-Childers, with HCS

SB 1299-Loudon, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

SCS#2 for SB 762-Champion, with HS for
HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS
for HCS, as amended

SCS for SB 1106-Shields, with HCS

HCS for HBs 795, 972, 1128 & 1161, with

SS for SCS, as amended (Childers)

HCS for HB 959, with SCS, as amended (Yeckel)

HS for HCS for HB 978-Baker, with SS,
as amended (Yeckel)

HCS for HB 1305, with SCS, as amended (Scott)

HCS for HB 1617, with SSA 1 for SA 1 (Bartle)

Requests to Recede or Grant Conference

SS for SCS for SB 1081-Kinder, et al,

with HS for HCS, as amended (Senate
requests House recede or grant conference)

HCS for HB 1055, with SS, as amended (Vogel)
(House requests Senate recede or
grant conference)

RESOLUTIONS

Reported from Committee

SCR 46-Gross

SCR 49-Nodler

SR 1877-Dougherty

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-EIGHTH DAY--MONDAY, MAY 10, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"...let us run with perseverance the race that is set before us." (Hebrews 12:1b)

Gracious God, we begin the race to the deadline that looms before us with many a bill to discuss and decisions to make. Grant us the wisdom and discernment that we will need this week to distinguish what is truly needful and important and help us deal with each other with consideration and graciousness as You graciously deal with us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 7, 2004, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

Absent with leave--Senator Coleman--1

The Lieutenant Governor was present.

Senator Gibbons requested unanimous consent of the Senate to correct the Senate Journal for Thursday, May 6, 2004, Page 1364, Column 2, Line 6, by removing the signature indication that appears by Senator Dougherty's name, which request was granted.

PRIVILEGED MOTIONS

Senator Loudon moved that the Senate refuse to concur in **HCS** for **SB 1299** and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Loudon moved that the Senate refuse to concur in **HS** for **SB 932**, as amended, and request the House to

recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

President Maxwell assumed the Chair.

Having voted on the prevailing side, Senator Loudon moved that the vote by which the Senate refused to concur in **HCS** for **SB 1299**, requested the House to recede from its position or grant conference was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bland	Coleman--2		

At the request of Senator Loudon, his previous motion on **SB 1299**, with **HCS**, was withdrawn, which placed the bill back on the Calendar.

Senator Vogel moved that the Senate refuse to recede from its position on **SS** for **HCS** for **HB 1055**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Childers moved that **SB 1259**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1259**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1259

An Act to repeal section 306.127, RSMo, and to enact in lieu thereof one new section relating to temporary boater education permits.

Was taken up.

Senator Childers moved that **HCS** for **SB 1259** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators
Coleman--2

Bland

On motion of Senator Childers, **HCS** for **SB 1259** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators
Coleman--2

Bland

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1603, introduced by Representative Lager, entitled:

An Act to reenact section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session for the sole purpose of the republication of 135.766.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 1603** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None
Absent--Senator Goode-- 1
Absent with leave--Senators
Coleman--2

Bland

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HBs 1529 and 1655, entitled:

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to tax increment financing.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HCS for HBs 1529 and 1655** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Bland	Coleman--2		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 1422, entitled:

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dentists.

Was called from the Consent Calendar and taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **HCS for HB 1422** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey

Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senator Bartle--1

Absent--Senators--None

Absent with leave--Senator Coleman--1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1171**, entitled:

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility projects.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HCS** for **HB 1171** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Coleman--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1259, introduced by Representative Threlkeld, entitled:

An Act to repeal section 301.562, RSMo, and to enact in lieu thereof one new section relating to the licensure of motor

vehicle dealers and manufacturers.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HB 1259** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Coleman--1			

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1198**, entitled:

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to extraordinary dividends for insurance holding companies.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HCS** for **HB 1198** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Coleman--1			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1502, introduced by Representative Wilson (42), et al, entitled:

An Act to repeal sections 169.270, 169.291, 169.295, 169.311, 169.313, 169.322, 169.324, and 169.328, RSMo, and to enact in lieu thereof seven new sections relating to school employee retirement.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **HB 1502** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Coleman--1			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1614**, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to the repeal of the expiration date for certain mental health insurance statutes.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **HCS** for **HB 1614** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator Coleman--1

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 1233, entitled:

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

Was called from the Consent Calendar and taken up by Senator Griesheimer.

On motion of Senator Griesheimer, **HCS for HB 1233** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			

NAYS--Senators
Kennedy
Absent--Senator Dolan--1
Absent with leave--Senator Coleman--1

Quick--3

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 1090, entitled:

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to property insurance for real property transferring upon death.

Was called from the Consent Calendar and taken up by Senator Quick.

On motion of Senator Quick, **HCS** for **HB 1090** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Coleman--1

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1508, introduced by Representative Baker, entitled:

An Act to repeal section 301.472, RSMo, and to enact in lieu thereof one new section relating to Kansas City Chiefs' license plates.

Was called from the Consent Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HB 1508** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Coleman--1

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1444, introduced by Representative Moore, et al, entitled:

An Act to repeal section 21.190, RSMo, relating to legislative committees.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HB 1444** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Coleman--1			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 988**, entitled:

An Act to repeal section 115.607, RSMo, and to enact in lieu thereof one new section relating to county political party committee representation.

Was called from the Consent Calendar and taken up by Senator Bartle.

On motion of Senator Bartle, **HCS** for **HB 988** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senator Klindt--1			
Absent with leave--Senator Coleman--1			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

The Senate paused for a moment of silence in memory of Gloria Northway.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1918, regarding Michael Ormsby, Princeton, which was adopted.

Senator Klindt offered Senate Resolution No. 1919, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Stufflebean, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 1920, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ronald Markt, Oregon, which was adopted.

Senator Klindt offered Senate Resolution No. 1921, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Hutson, Bolckow, which was adopted.

Senator Klindt offered Senate Resolution No. 1922, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Lozuaway, Bucklin, which was adopted.

Senator Klindt offered Senate Resolution No. 1923, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Tomes, Ridgeway, which was adopted.

Senator Klindt offered Senate Resolution No. 1924, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sammy Joe Lewellen, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1925, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Tipton, Galt, which was adopted.

Senator Klindt offered Senate Resolution No. 1926, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy Shockey, Chillicothe, which was adopted.

Senator Yeckel offered Senate Resolution No. 1927, regarding Emily Peurrung, which was adopted.

HOUSE BILLS ON THIRD READING

HS for **HB 1409**, with **SCS**, introduced by Representative Dempsey, entitled:

An Act to repeal sections 32.105, 32.110, 71.620, 100.710, 135.208, 135.209, 135.215, 135.530, 144.030, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu

thereof forty-four new sections relating to economic development projects.

Was taken up by Senator Mathewson.

SCS for HS for HB 1409, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1409 An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110, 67.1401, 67.1461, 67.1545, 71.620, 100.255, 100.260, 100.263, 100.270, 100.275, 100.281, 100.286, 100.710, 135.207, 135.215, 135.530, 163.036, 620.472, 620.474, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, and 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof fifty-four new sections relating to economic development projects, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS for HS for HB 1409** be adopted.

Senator Mathewson offered **SS for SCS for HS for HB 1409**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1409

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110, 67.1401, 67.1461, 67.1545, 71.620, 100.255, 100.260, 100.270, 100.275, 100.281, 100.710, 135.207, 135.215, 135.530, 620.472, 620.474, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, and 620.1560, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof forty-eight new sections relating to economic development projects, with penalty provisions.

Senator Mathewson moved that **SS for SCS for HS for HB 1409** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 118, Section 190.304, Line 8, by inserting after all of said line the following:

"324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the

anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be [revoked] **suspended** within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. **The director of revenue shall, within ten business days of notification to the governmental entity issuing the professional license that the delinquency has been remedied or arrangements have been made to remedy such delinquency, send written notification to the licensee that the delinquency has been remedied.** Tax liability paid in protest or reasonably founded disputes with such liability shall be considered paid for the purposes of this section."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 115, Section 190.304, Line 5 of said page by inserting immediately after the word "a" as it appears the second time on said line, the following: **"county of the third classification without a township form of government and with more than thirty-four thousand but less than thirty-four thousand one hundred inhabitants, a county of the third classification without a township form of government and with more than thirty-five thousand two hundred but less than thirty-five thousand three hundred inhabitants, or a"**; and

Further amend said section, page 116, line 19 of said page, by inserting immediately after the word "section" the following: **", which shall not exceed the rate currently levied for wireline services pursuant to section 190.305,"**.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 123, Section 620.1039, Line 11 of said page, by inserting immediately after said line the following:

"Section 1. Services, other than exchange access service, of a company regulated under section 392.245 shall be classified as competitive in any exchange where such company or its affiliate provides broadband service to customers located within fourteen thousand cable feet of the serving central office."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 3** is out of order as it is not germane and goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Gross, **SA 3** was withdrawn, rendering the point of order moot.

Senator Champion offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 120, Section 620.484, Line 20, by inserting after all of said line the following:

"620.602. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Economic Development Policy and Planning" to be composed of five members of the senate, appointed by the president pro tem of the senate, and five members of the house, appointed by the speaker of the house. No more than three members of the senate and three members of the house shall be from the same political party. The appointment of members shall continue during their terms of office as members of the general assembly or until successors have been duly appointed to fill their places when their terms of office as members of the general assembly have expired. Members of the joint committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses for attending the meetings of the committee, to be paid out of the committee's appropriations or the joint contingent fund.

2. The joint committee on economic development policy and planning shall meet within ten days after its establishment and organize by selecting a chairman and a vice chairman, one of whom shall be a member of the senate and the other a member of the house of representatives. These positions shall rotate [annually] **biennially** between a member of the senate and a member of the house of representatives. **At the outset of each biennial rotation the presiding officer of the appropriate house of the general assembly charged with providing a chairman shall appoint the chairman and the presiding officer of the other house shall appoint the vice chairman. For the purpose of this subsection "presiding officer" shall mean either the president pro tem of the senate or the speaker of the house of representatives.** The committee shall regularly meet at least quarterly. A majority of the members of the committee shall constitute a quorum. The committee may, within the limits of its appropriations, employ such persons as it deems necessary to carry out its duties. The compensation of such personnel shall be paid from the committee's appropriations or the joint contingent fund.

3. The joint committee on economic development policy and planning shall, at its regular meetings, confer with representatives from the governor's office, the department of economic development, the University of Missouri extension service, and other interested parties from the private and public sectors. The joint committee shall review the annual report produced by the department of economic development, as required by section 620.607, and plan, develop and evaluate a long-term economic development policy for the state of Missouri to ensure the state's competitive status with other states.

4. The provisions of this section shall expire on July 1, 2010."; and

Further amend the title and enacting clause accordingly.

Senator Champion moved that the above amendment be adopted, which motion prevailed.

Senator Days offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 105, Section 178.980, Line 6, by inserting after the word "universities" the following: "community-based not-for-profit organizations that are accredited by the Council on Accreditation for Rehabilitation Facilities (CARF) that provide job training and other related services,".

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 118, Section 190.304, Line 8, by inserting immediately after said line the following:

"260.830. 1. Any county of the third classification or [any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants or] any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants may, by a majority vote of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

[] YES [] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. **With the exception of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants**, if an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county, **except in the case of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants, wherein the funds shall be credited to the county general revenue fund to be expended as prescribed by the county governing body**. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 84, Section 135.546, Line 27, by inserting immediately after said line the following:

"135.562. 1. This section shall be known and may be cited as the "Accessible Home Tax Credit Program".

2. As used in this section, the following terms mean:

- (1) "Department", the department of revenue;**
- (2) "Director", the director of the department of revenue;**
- (3) "Disability", a physical impairment which substantially limits one or more of a person's major life activities;**
- (4) "Tax liability", the tax due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo; and**
- (5) "Taxpayer", any non-corporate taxpayer.**

3. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year and shall be subject to appropriation.

4. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per tax year. Tax credits issued pursuant to this subsection are refundable in an amount not to exceed two thousand five hundred dollars per tax year.

5. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars. The tax credits issued pursuant to this subsection will be on a first-come, first-served filing basis.

6. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;**
- (2) Widening exterior or interior doorways;**
- (3) Widening hallways;**
- (4) Installing handrails or grab bars;**
- (5) Moving electrical outlets and switches;**

(6) Installing stairway lifts;

(7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;

(8) Modifying hardware of doors; or

(9) Modifying bathrooms.

7. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by one-third to the extent a taxpayer has already deducted such costs from such taxpayer's federal adjusted gross income or applied any other state or federal income tax credit to such costs.

8. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that, such return is timely filed.

9. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

10. The provisions of this section shall apply to all tax years beginning on or after January 1, 2005.

11. The provisions of this section shall expire December 31, 2010."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Gibbons offered SA 1 to SA 7, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 3, Section 135.562, Line 27 of said page, by inserting after all of said line the following: "**The tax credit enacted by this section shall be classified as a housing credit, and shall be subject to the tax credit accountability act of 2004 as such.**".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Goode raised the point of order that SA 7, as amended, is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Steelman offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 118, Section 190.304, Line 8, of said page, by inserting immediately after said line the following:

"196.1104. 1. Beginning in fiscal year 2007, the president of any public university in the state of Missouri shall be authorized to present to the life sciences research board on behalf of any campus within its system:

(1) A commitment from any budgetary sources other than the state, including but not limited to private, federal, earned income, or other sources, to pay to the public university a minimum of two million dollars as an endowment or one hundred thousand dollars a year for a minimum of twenty years toward the funding of an academic position within the health and science fields, to be designated as an "Endowed Research Chair (ERC)"; and

(2) A commitment from the university, including any of its separate campuses, to pay a minimum of one hundred thousand dollars each year for the ERC position described in subdivision (1) of this subsection for the same length of payment term for which the budgetary sources other than the state have committed to under subdivision (1) of this subsection for the ERC position;

(3) Following the commitments in subdivisions (1) and (2) of this subsection have been made, the life sciences research board shall review the commitments and subject to board approval shall pay to the university from the life sciences research trust fund one hundred thousand dollars each year for the same payment term committed to by budgetary sources other than the state under subdivision (1) of this subsection toward the funding of the ERC position. The life sciences research board shall also commit from the life sciences research fund a one-time disbursement of research and programmatic start-up moneys of five hundred thousand dollars over a two-year period beginning with the hiring of the ERC position. Such one-time disbursement shall include, and not be in addition to, the one hundred thousand dollar a year payment authorized under this subdivision.

The commitments in subdivisions (1) and (2) of this subsection shall be evidenced by a notarized letter of intent and the establishment of an escrow account containing at least ten percent of the total commitment of moneys by the nonstate entity or university under this subsection.

2. The life sciences research board shall not be required to provide the matching moneys described in subdivision (3) of subsection 1 of this section in an amount exceeding ten million dollars in any single fiscal year. If at any time the commitment of moneys in subdivisions (1) and (2) of subsection 1 of this section are not fulfilled by either the nonstate entity or the university, the commitment of moneys under subdivision (3) of subsection 1 of this section by life sciences research board shall terminate.

3. When the president of any public university of this state receives the commitments from budgetary sources other than the state under subdivision (1) of subsection 1 of this section from a campus of the university, the life sciences research board or, if the funding commitment is made prior to the appointment of any member of the board, the president of the university shall take note thereon of the date and time of the receipt of such funding commitment and the life sciences research board shall provide its matching moneys under subdivision (3) of subsection 1 of this section for ERC positions in the order in which funding commitments are received.

4. Any public university of this state, or any other qualified entity that has a formal contract with such public university of this state for such purposes, shall hold the matching moneys provided by the life sciences research board for the funding of an ERC position and any science research conducted under the direction of the ERC and shall not spend, loan, or encumber such matching moneys for any other purpose.

5. Within ninety days of receipt of the commitments in subsection 1 of this section and annually thereafter, any public or private entity may submit a proposal for science research to be conducted under the direction of an ELSCR funded by this section. Commitments made under subdivisions (1) and (2) of subsection 1 of this section may be made in conjunction with such entities desiring to submit proposals under this subsection. The life sciences research board shall establish criteria for selecting proposals competitively.

6. Any moneys withdrawn from the life sciences research trust fund but not expended under this section shall be

distributed in accordance with the provisions of sections 196.1100 to 196.1130. All moneys that are derived from federal, state, or local taxes, from loans or grants of any federal, state, or local government or governmental authority, from loans or grants of a federal or state institution, instrumentality, or agency, from the proceeds of bonds issued by any public authority, from intergovernmental transfers, and from the adjudication or settlement of any claims or causes of action pursued by a federal, state, or local government or any agency thereof, shall be treated as if appropriated to the life sciences research board pursuant to sections 196.1100 to 196.1124, and shall be subject to the provisions of subsections 2 to 5 of section 196.1127.

7. Moneys expended pursuant to this section shall be used only for research on the following subjects: bioinformatics, bioprocess engineering, environmental engineering, environmental sciences, biosensor/bioinstrumentation, biomechanics and assistive technology, biomaterials, and biomathematics/ biostatistics."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 8** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 8 was again taken up.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Shields offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 24, Section 32.110, Line 12, of said page, by inserting immediately after said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term.**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not

limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds**, rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of** rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

64.952. The Kansas and Missouri Metropolitan Kansas City Sports Complex Authority Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:

KANSAS AND MISSOURI

METROPOLITAN KANSAS CITY

SPORTS COMPLEX AUTHORITY COMPACT

ARTICLE I. AGREEMENT AND PLEDGE

The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the conversion of the Jackson County Sports Complex Authority into the Metropolitan Kansas City Sports Complex Authority should the former become a recipient of contributions from a bistate retail sales tax levied by the Metropolitan Culture District heretofore established pursuant to a compact of said states.

ARTICLE II. PURPOSE

The party states, having heretofore entered into a compact authorizing the creation of a Metropolitan Culture District that may make contributions from a bistate retail sales tax levied by the District for or in aid of cultural facilities, including those operated or used for sports, in counties which are part of the District, and desiring to provide Kansas counties in which such tax is levied a governance and oversight role should contributions from such tax be made for or in aid of the sports stadium facilities owned and operated by the Jackson County Sports Complex Authority, the purpose of this compact is to provide such a governance and oversight role.

ARTICLE III. CONVERSION

If the Jackson County Sports Complex Authority becomes a recipient of contributions to be made by the Kansas and Missouri Metropolitan Culture District created pursuant to section 70.500, RSMo, from a bistate retail sales tax levied by such District in at least Johnson County, Kansas and Jackson County, Missouri for the purposes of planning, constructing, equipping, repairing, extending or improving sports stadium facilities then owned and operated by the Authority or for the payment of principal of or interest on bonds or notes to be issued by the Authority for such purposes, the Authority shall, effective upon the later of (i) the first day of the calendar quarter following the authorization of the levy of such tax in both Johnson County, Kansas and Jackson County, Missouri or (ii) the effective date of this compact pursuant to Article VI, become the Metropolitan Kansas City Sports Complex Authority, and the Jackson County Legislature and Executive shall issue such orders and make such filings in the offices of the governor of Missouri, the secretary of state of Missouri and elsewhere as may be necessary or appropriate to evidence such name change and the other changes made by this compact.

ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

The Metropolitan Kansas City Sports Complex Authority shall continue to be a body corporate and politic and a political subdivision of the state of Missouri and shall be governed by, have all the powers provided in, and be subject to all of the provisions of sections 64.920 to 64.950, and other applicable Missouri law in effect upon the effective date of this compact that are not inconsistent with this compact. Those individuals currently serving unexpired terms as a commissioner of the County Sports Complex Authority at the enactment of this compact shall serve as a Missouri commissioner of the Kansas and Missouri Metropolitan Kansas City Sports Complex Authority for the full duration of his or her term as established by 64.930, RSMo. Thereafter, the five Missouri commissioners to the authority pursuant to 64.930, RSMo, shall be chosen as provided therein. In addition, however, to those commissioners, there shall be appointed to the Metropolitan Kansas City Sports Complex Authority one commissioner from each county in which such bistate retail sales tax is levied having a population less than three hundred thousand and two commissioners from each such county (other than Jackson County, Missouri) having a population greater than three hundred thousand, provided that there shall be three commissioners from Johnson County, Kansas if such bistate retail sales tax is not levied in any other county in Kansas. Each additional commissioner shall be appointed by the governing body of the county for which such commissioner is appointed, shall be a qualified voter and a resident of such county, shall not be an elected or appointed official of such county, any political subdivision or state, shall hold office for a term of five years or the unexpired term of any predecessor, and shall be compensated and reimbursed as provided in subsection 5 of section 64.930. No commissioner shall continue to serve beyond the expiration of that commissioner's term. Any vacancy that exists with respect to an additional commissioner shall be filled in the same manner and within thirty days from the date thereof. However, if no individual is appointed by the governing body to fill the

position of commissioner within thirty days of the expiration of a term, the governor of Missouri shall have the authority to appoint with the advice and consent of the senate a Missouri commissioner to fill the vacancy. No action of the Metropolitan Kansas City Sports Complex Authority shall be binding unless taken at a meeting of which at least a majority of commissioners are present and unless a majority of the commissioners present at such meeting shall vote in favor thereof. Notwithstanding any other provisions of this compact to the contrary, the respective states' general assemblies may alter the manner in which a commissioner from their respective state to the authority is chosen, but may not alter the total number of commissioners.

ARTICLE V. EXISTENCE

A Metropolitan Kansas City Sports Complex Authority created pursuant to this compact shall exist for as long as any sports stadium facilities constructed, equipped, repaired, extended or improved with contributions from the bistate retail sales tax are owned by it or any bonds or notes issued by it, the principal of or interest on which is paid from such contributions, are outstanding.

ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION

This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri upon its enactment by the legislatures of the respective states. Amendments to this compact shall become effective upon enactment by the legislatures of the respective states. This compact shall continue in force and remain binding upon each of the party states until a legislature of a party state shall have entered a statute repealing it and sent formal written notice of such enactment to the legislature of the other party state."; and

Further amend said bill, page 103, Section 135.1075, Line 10 of said page, by inserting immediately after said line the following:

"143.183. 1. As used in this section, the following terms mean:

(1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a professional athletic team member who resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the

taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, [2015] **2029**, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, [sixty] **forty** percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. [Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year.] The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally

among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, [2015] **2029**, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of [sixteen] **thirty** years, [ten] **thirty** percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri [department of natural resources Missouri historic preservation revolving] **qualified fuel ethanol producer incentive** fund, and shall be transferred from the general revenue fund to the Missouri department of [natural resources Missouri historic preservation revolving] **agriculture to be deposited in the Missouri qualified fuel ethanol producer incentive** fund established in section [253.402] **142.028**, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. **Forty percent of the amount deposited shall be immediately transferred to the Missouri qualified biodiesel producer incentive fund created pursuant to section 142.031, RSMo.** As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no earlier than January 2, 2009.

10. At least annually, prior to December 31, 2029, the commissioner of administration, for all fiscal years beginning on or after July 1, 2005, shall estimate the increase, relative to the amount collected for fiscal year 2005, to the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. Annually, the first ten million five hundred thousand dollars of such increase shall be allocated to the Jackson county sports complex, as established pursuant to sections 67.638 to 67.641, RSMo. Any such increase shall reduce, at a one-to-one ratio, the level of appropriation to the Jackson county sports complex from any general revenue source other than the provisions of this section, relative to the level of such appropriation in fiscal year 2005; any excess revenue shall be distributed pursuant to the provisions of subsections 5 to 9 of this section.

11. For all fiscal years following, and inclusive of, the first fiscal year in which the provisions of subsection 10 of this section cause no general revenue, other than revenues derived from the provisions of this section, to be appropriated to the Jackson county sports authority, the Jackson county sports authority shall be funded solely by the non-resident entertainer and athletic team income tax pursuant to this section and shall no longer receive any other general revenue.

12. The moneys appropriated pursuant to subsection 10 of this section shall only be used for maintenance and repair of the existing facilities located at the Jackson county sports complex."; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Callahan offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 24, Section 32.110, Line 13 of said page, by inserting immediately after said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. Each sports complex commissioner shall hold office until his successor has been appointed and qualified.

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.**

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term.**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds**, rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of** rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a

rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

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ARTICLE II. PURPOSE

The party states, having heretofore entered into a compact authorizing the creation of a Metropolitan Culture District that may make contributions from a bistate retail sales tax levied by the District for or in aid of cultural facilities, including those operated or used for sports, in counties which are part of the District, and desiring to provide Kansas counties in which such tax is levied a governance and oversight role should contributions from such tax be made for or in aid of the sports stadium facilities owned and operated by the Jackson County Sports Complex Authority, the purpose of this compact is to provide such a governance and oversight role.

ARTICLE III. CONVERSION

If the Jackson County Sports Complex Authority becomes a recipient of contributions to be made by the Kansas and Missouri Metropolitan Culture District created pursuant to section 70.500, RSMo, from a bistate retail sales tax levied by such District in at least Johnson County, Kansas and Jackson County, Missouri for the purposes of planning, constructing, equipping, repairing, extending or improving sports stadium facilities then owned and operated by the Authority or for the payment of principal of or interest on bonds or notes to be issued by the Authority for such purposes, the Authority shall, effective upon the later of (i) the first day of the calendar quarter following the authorization of the levy of such tax in both Johnson County, Kansas and Jackson County, Missouri or (ii) the effective date of this compact pursuant to Article VI, become the Metropolitan Kansas City Sports Complex Authority, and the Jackson County Legislature and Executive shall issue such orders and make such filings in the offices of the governor of Missouri, the secretary of state of

Missouri and elsewhere as may be necessary or appropriate to evidence such name change and the other changes made by this compact.

ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

The Metropolitan Kansas City Sports Complex Authority shall continue to be a body corporate and politic and a political subdivision of the state of Missouri and shall be governed by, have all the powers provided in, and be subject to all of the provisions of sections 64.920 to 64.950, and other applicable Missouri law in effect upon the effective date of this compact that are not inconsistent with this compact. Those individuals currently serving unexpired terms as a commissioner of the County Sports Complex Authority at the enactment of this compact shall serve as a Missouri commissioner of the Kansas and Missouri Metropolitan Kansas City Sports Complex Authority for the full duration of his or her term as established by 64.930, RSMo. Thereafter, the five Missouri commissioners to the authority pursuant to 64.930, RSMo, shall be chosen as provided therein. In addition, however, to those commissioners, there shall be appointed to the Metropolitan Kansas City Sports Complex Authority one commissioner from Platte County and one commissioner from Clay County and one commissioner from each city within the district with a population equal to or in excess of fifty thousand as established by the preceding federal census. Commissioners appointed by cities shall be the mayor of such city. Each additional commissioner shall be appointed by the governing body of the county for which such commissioner is appointed, shall be a qualified voter and a resident of such county or city, shall not be an elected or appointed official of such county or city, any political subdivision or state, shall hold office for a term of five years or the unexpired term of any predecessor, and shall be compensated and reimbursed as provided in subsection 5 of section 64.930. No commissioner shall continue to serve beyond the expiration of that commissioner's term. Any vacancy that exists with respect to an additional commissioner shall be filled in the same manner and within thirty days from the date thereof. However, if no individual is appointed by the governing body to fill the position of commissioner within thirty days of the expiration of a term, the governor of Missouri shall have the authority to appoint with the advice and consent of the senate a Missouri commissioner to fill the vacancy. No action of the Metropolitan Kansas City Sports Complex Authority shall be binding unless taken at a meeting of which at least a majority of commissioners are present and unless a majority of the commissioners present at such meeting shall vote in favor thereof. Notwithstanding any other provisions of this compact to the contrary, the respective states' general assemblies may alter the manner in which a commissioner from their respective state to the authority is chosen, but may not alter the total number of commissioners.

ARTICLE V. EXISTENCE

A Metropolitan Kansas City Sports Complex Authority created pursuant to this compact shall exist for as long as any sports stadium facilities constructed, equipped, repaired, extended or improved with contributions from the bistate retail sales tax are owned by it or any bonds or notes issued by it, the principal of or interest on which is paid from such contributions, are outstanding.

ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION

This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri upon its enactment by the legislatures of the respective states. Amendments to this compact shall become effective upon enactment by the legislatures of the respective states. This compact shall continue in force and remain binding upon each of the party states until a legislature of a party state shall have entered a statute repealing it and sent formal written notice of such enactment to the legislature of the other party state."; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above substitute amendment be adopted.

Senator Goode raised the point of order that SSA 1 for SA 9 and SA 9 are out of order as they go beyond the scope of the legislation before the body.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Callahan offered **SA 1** to **SSA 1** for **SA 9**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1409, Page 11, Section 64.952, Line 17 of said page, by inserting after all of said line the following:

"Further amend page 103, Section 135.1075, line 10, by inserting after all of said line the following:

"143.183. 1. As used in this section, the following terms mean:

(1) "Nonresident entertainer", a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) "Nonresident member of a professional athletic team", a professional athletic team member who resides outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) "Personal service income" includes exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax an amount equal to two percent of the total compensation if the amount of compensation is in excess of three hundred dollars paid to the nonresident entertainer.

3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2 of this section shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Any person, venue, or entity subject to this section shall be considered an employer for purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax provided in this chapter for failure to comply with this section.

5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, [1999, but none after December 31, 2015, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of

professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

8. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2015, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of sixteen years, ten percent of the annual estimate of taxes generated from the nonresident

entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, no earlier than January 2, 2009; and the Missouri humanities council trust fund, no earlier than January 2, 2009.] **2005, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. Beginning in fiscal year 2006, the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the state highway and transportation development fund, and shall be transferred from the general revenue fund to the state highways and transportation department fund created in section 226.200, RSMo, and any amount transferred shall be in addition to such department's budget base for each fiscal year."**; and

Further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted.

At the request of Senator Mathewson, **HS** for **HB 1409**, with **SCS**, **SS** for **SCS**, **SA 9**, **SSA 1** for **SA 9** and **SA 1** to **SSA 1** for **SA 9** (pending), was placed on the Informal Calendar.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

HS for **HCS** for **HJR**s **39, 38, 42** and **47**, introduced by Representative Engler, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to the prohibition of same-sex marriage.

Was taken up by Senator Steelman.

Senator Nodler assumed the Chair.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 2, by inserting immediately after the word "woman" the following "**regardless of race, color or creed**".

Senator Bray moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 6, by inserting after said line the following: "No court of competent jurisdiction in this state shall grant a dissolution of marriage unless the party or parties thereto prove by clear and convincing evidence that adultery

was committed by one or both parties."

Senator Caskey moved that the above substitute amendment be adopted.

Senator Bray raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

At the request of Senator Caskey, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

SA 1 was again taken up.

President Maxwell assumed the Chair.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Days, Jacob, Mathewson and Wheeler.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Caskey	Days
Dougherty	Goode	Jacob	Kennedy
Mathewson	Quick	Wheeler-- 11	
NAYS--Senators			
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Yeckel-- 22		
Absent--Senators--None			
Absent with leave--Senator Coleman-- 1			

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 6, by inserting after said line the following: "No court of competent jurisdiction in this state shall grant a dissolution of marriage unless the party or parties thereto prove by clear and convincing evidence that adultery was committed by one or both parties."

Senator Caskey moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Line 6, by inserting after said line the following: "**Unions of members of the same sex as a civil contract to which the consent of the parties capable in law of contracting from any other state, territory, possession of the United States, Indian tribe, other tribe, or foreign nation where a right or claim arises under such union shall only be recognized by act of the Missouri general assembly and presentment to the governor.**"

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **HS** for **HCS** for **HJR**s 39, 38, 42 and 47, with **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **HCS** for **HB 1055**, as amended. Representatives: Bruns, Dixon, Mayer, Jolly and Witte.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1188** and has taken up and passed **SCS** for **HB 1188**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1192** and has taken up and passed **SCS** for **HCS** for **HB 1192**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 1081** as amended and grants the Senate a conference thereon; further that the House conferees are allowed to exceed the differences on allowing a claimant to proceed directly to small claims court for construction defects of which the repair cost would not exceed the applicable dollar limit for a matter before the small claims court having jurisdiction of the claim.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **SA 1**, **SA 2** to **SA 1**, **SA 1**, as amended, **SA 2** to **HS** for **HB 1487** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HB 1288** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

President Pro Tem Kinder assumed the Chair.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SA 1** to **SA 1**, **SA 2** to **SA 1**, **SA 1**, as amended, and **SA 2** to **HS** for **HB 1487** and grant the House a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to

which was referred **HB 1548**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HCS** for **HB 1403**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HS** for **HCS** for **HB 1285**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 1339**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1099**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 852**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 1509**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HCS** for **HB 855**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1118**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1504**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1109**, begs leave to report that it has

considered the same and recommends that the bill do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Juris-prudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1152**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 48**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 48

Relating to the establishment of a Hepatitis C Task Force

WHEREAS, hepatitis C is a disease of the liver caused by the hepatitis C virus which damages liver cells and causes the liver to become swollen and tender, however, hepatitis has many other causes, including some medications, long-term alcohol abuse, and exposure to industrial chemicals; and

WHEREAS, although there is no vaccine to prevent infection with the hepatitis C virus (HCV), research is underway to develop one, but it is difficult to create an effective vaccine because new strains of the original virus can develop that are not affected by a vaccine against the original strain; and

WHEREAS, since all donated blood is screened for hepatitis C, many people are unaware they have hepatitis C until they try to donate blood and are notified by a blood donation center; and

WHEREAS, chronic hepatitis may be treated with medications that fight viral infections, however, the standard treatment of interferon and ribavirin is not an option for every person and only 30%-40% of those who receive antivirals are cured of the infection; and

WHEREAS, the impact of the disease on certain populations, such as intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals, is still unknown in Missouri;

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish a Hepatitis C Task Force to examine the impact of the hepatitis C virus (HCV) on intravenous drug users, incarcerated individuals, alcoholics, racial minority groups, gay and lesbian individuals, and HIV/AIDS infected individuals in Missouri; and

BE IT FURTHER RESOLVED that the Task Force shall be comprised of the following nine persons appointed by the Governor with the advice and consent of the Senate:

- (1) Two persons from the Department of Mental Health;
- (2) Two persons from the Department of Health and Senior Services;
- (3) One person from the Department of Corrections;
- (4) Two persons from community organizations providing services to persons with HCV; and
- (5) Two persons living with HCV; and

BE IT FURTHER RESOLVED that two members of the Senate appointed by the President Pro Tem of the Senate and two members of the House of Representatives appointed by the Speaker of the House of Representatives and shall serve in an advisory capacity to the Task Force; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Task Force; and

BE IT FURTHER RESOLVED that the Task Force shall conduct research and evaluate key legislative, programmatic, and socioeconomic issues that are related to the impact of HCV on the aforementioned populations and make recommendations on ways to improve outreach, prevention, and intervention; and

BE IT FURTHER RESOLVED that the Task Force shall complete its work and submit a report to the General Assembly within one year of its formation, with the advisory House and Senate members of the Task Force providing guidance to the Task Force in its conduct and scope of its work; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HCS** for **HB 1055**, as amended: Senators Vogel, Bartle, Cauthorn, Caskey and Bray.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended: Senators Kinder, Gross, Vogel, Callahan and Coleman.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 1106** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1106

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1106, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1106;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 1106;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1106, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields
/s/ Matt Bartle
/s/ Delbert Scott
/s/ Harold Caskey
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Rob Schaff
/s/ Robert Johnson
/s/ Jim Guest
/s/ Ed Wildberger
/s/ Trent Skaggs

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Cauthorn	Dougherty	Gross	Quick
Russell--5			
	Absent with leave--Senator Coleman--1		

On motion of Senator Shields, **CCS** for **HCS** for **SCS** for **SB 1106**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 1106

An Act to authorize the conveyance of tracts of land owned by the state, with an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Cauthorn	Quick	Russell--3	
	Absent with leave--Senator Coleman--1		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens

Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Cauthorn	Quick	Russell--3	
	Absent with leave--Senator Coleman--1		

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Gibbons, joined by the entire membership of the Senate, offered Senate Resolution No. 1928, regarding the Fiftieth Birthday of Senator Peter D. Kinder, Cape Girardeau, which was adopted.

Senator Days offered Senate Resolution No. 1929, regarding Our Lady of Guadalupe Parish, St. Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 1930, regarding Jeremy Andrew Blunt, Lee's Summit, which was adopted.

Senator Goode offered Senate Resolution No. 1931, regarding Vanessa N. Crawford, which was adopted.

Senator Quick offered Senate Resolution No. 1932, regarding Evelyn G. Palmer, Orrick, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, Keith E. and Janet Wear-Enloe and Christy and Kent Trimble, Jefferson City; and Sharon, Stephen, Benjamin and Samuel Baum, New York, New York.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-NINTH DAY-TUESDAY, MAY 11, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-

Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HCS for HB 1093 (Kinder)
2. HS for HCS for HB 1195-Behnen, with SCS
(Yeckel) (In Fiscal Oversight)
3. HCS for HB 955 (Yeckel)
4. HB 1665-Hanaway, et al, with SCS (Scott)
5. HB 841-Angst, with SCS (Steelman)
6. HCS for HB 1277, with SCS (Steelman)
(In Fiscal Oversight)
7. HCS for HBs 1286 & 1175, with SCS
(Griesheimer)
8. HB 956-May (149) (Steelman)
9. HCS for HBs 1098 & 949 (Childers)
10. HS for HB 1599-Ervin, with SCS

11. HS for HCS for HB 1150-May, with SCS

(Scott)

12. HS for HCS for HB 1433-Wood (Childers)

(In Fiscal Oversight)

13. HB 1548-Crawford, with SCS (Cauthorn)

14. HCS for HB 1403, with SCS (Vogel)

15. HS for HCS for HB 1285-Engler (Dolan)

16. HS for HB 1339-Cunningham (86)

17. HCS for HB 1099

18. HS for HCS for HB 852-Holand, with SCS

(Champion)

19. HCS for HB 1509

20. HCS for HB 855, with SCS (Steelman)

21. HCS for HB 1118, with SCS

22. HB 1504-Lipke and Crowell (Dolan)

23. HB 1109-Crawford, et al (Cauthorn)

24. HCS for HB 1152 (Nodler)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for SCS

(pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2 (pending)

SB 906-Foster, with SCS, SS for SCS & SA 2

(pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order (pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,
with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)

HCS for HBs 946, 1106 & 952, with SCS

(Dolan)

HB 969-Cooper, et al (Bartle)

(In Fiscal Oversight)

HCS for HB 980, with SS (pending) (Klindt)

HCS for HB 1115 (Gross)

HCS for HB 1182, with SCS & SS for SCS

(pending) (Klindt)

HCS for HB 1209 (Kinder)

HS for HCS for HBs 1268 & 1211-Smith

(118), with SCS, SS for SCS & SS for
SS for SCS (pending) (Loudon)
HCS for HB 1278, with SCS (Loudon)

HS for HB 1409-Dempsey, with SCS, SS
for SCS, SA 9, SSA 1 for SA 9 & SA 1
to SSA 1 for SA 9 (pending) (Mathewson)
HCS for HB 1439 (Dolan)

HS for HCS for HB 1453-Hanaway, with SCS
(Shields)

HB 1493-Emery, et al, with SCS & SA 3
(pending) (Steelman)

HS for HCS for HB 1566-Stefanick, with
SCS, SS for SCS, SS for SS for SCS,
SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

HS for HCS for HJR 39, 38, 42 & 47-
Engler, with SA 2 & SSA 1 for
SA 2 (pending) (Steelman)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/14

HB 1572-St. Onge, et al (Loudon)

HB 884-Ward (Loudon)

Reported 4/15

HB 1317-Kingery, et al (Gibbons)

HCS for HB 1405 (Callahan)

HB 1114-Skaggs (Loudon)

HB 1167-Kelly (144), et al (Clemens)

HCS for HB 1284 (Dolan)

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 884-Klindt, with HCS

SB 1299-Loudon, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

SCS#2 for SB 762-Champion, with HS for HCS,

as amended

SS for SCS for SB 1081-Kinder, et al,

with HS for HCS, as amended

SS for SCS for SB 1099-Gibbons, with HS

for HCS, as amended

SCS for SB 1106-Shields, with HCS

(Senate adopted CCR and passed CCS)

HCS for HBs 795, 972, 1128 & 1161, with

SS for SCS, as amended (Childers)

HCS for HB 959, with SCS, as amended

(Yeckel)

HS for HCS for HB 978-Baker, with SS,

as amended (Yeckel)

HCS for HB 1055, with SS, as amended (Vogel)

HCS for HB 1305, with SCS, as amended

(Scott)

HS for HB 1487-Self, with SA 1, as amended &

SA 2 (Scott)

HCS for HB 1617, with SSA 1 for SA 1 (Bartle)

Requests to Recede or Grant Conference

SB 932-Loudon, with HS, as amended

(Senate requests House recede or

grant conference)

HCS for HB 1288, with SS for SCS, as amended

(Griesheimer) (House requests Senate recede
or grant conference)

RESOLUTIONS

Reported from Committee

SCR 46-Gross

SCR 49-Nodler

SR 1877-Dougherty

SCR 48-Bland, with SCS

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY--TUESDAY, MAY 11, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"But the wisdom from above is first pure, then peaceable, gentle, open to reason, full of mercy and good fruits, without uncertainty or insincerity." (James 3:17)

Almighty God, as we discern the many bills before us let us do so with a gentle, peaceable, nature so that our efforts produce the good fruits that were first inspired from You. Let our argument be filled with sincerity and reasonableness so that they are persuasive and produce the needed results we seek. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Bray offered Senate Resolution No. 1933, regarding Dr. Charles Farris, Clayton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1934, regarding Gregory Vinton Schloss, Concord Village, which was adopted.

Senator Kennedy offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1935

WHEREAS, Big Brothers Big Sisters is the oldest and largest youth mentoring organization in the United States; and

WHEREAS, the first official Big Brothers organization was founded in 1904 in New York City by Ernest Coulter, a clerk of the Juvenile Court; and

WHEREAS, Coulter appealed to local civic and business leaders to take on the role of "Big Brother" to the thousands of suffering children who repeatedly came through the court system, and as a result, forty men stepped forward answering the request of Mr. Coulter; and

WHEREAS, meanwhile across town, a group of women also began a similar program befriending girls who came before the children's court, thus creating the movement now known as Big Brothers Big Sisters of America; and

WHEREAS, Big Brothers Big Sisters matches caring adults with children in one-to-one relationships with friendship as its cornerstone; and

WHEREAS, the organization works closely with parents to match every child with the appropriate Big Brother or Big Sister; and

WHEREAS, youth who participate in this organization are 52% less likely to skip a day of school and 46% less likely to start using drugs than peers who are not in the program; and

WHEREAS, youth involved in Big Brothers Big Sisters show improved school performance and attendance, better grades and greater self confidence; and

WHEREAS, today Big Brothers Big Sisters serves more than 200,000 youths in 5,000 communities in all fifty states; and

WHEREAS, in 2004, the Big Brothers Big Sisters organization is commemorating their 100th anniversary:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, hereby acknowledge the tremendous efforts and success of the Big Brothers Big Sisters Organization and declare September 15, 2004 as "Big Brothers Big Sisters Day" in Missouri.

Senators Mathewson, Quick, Bland, Bartle and Griesheimer joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1936

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone events in the lives and careers of Show-Me State residents who have proven down through the years to be exceptional, involved citizens in their local communities and neighborhoods; and

WHEREAS, Melvin A. (Mel) Aytes of Lee's Summit has attained considerable distinction as a graduate of Owensville High School who faithfully served his country in the United States Army during the Korean War era, earned Bachelor of Science and Master of Arts degrees from Central Missouri State University, and married his beloved Kathy Drummond in 1964; and

WHEREAS, Mel Aytes deserves special mention of his three decades as the Director of Governmental Affairs for Metropolitan Community Colleges, a vocation which he drew to a well-deserved close in 2003 by handing over the reins to his successor prior to the start of the 2004 Legislative Session; and

WHEREAS, Mel Aytes brought to his professional labors as Director of Governmental Affairs a wealth of knowledge and experience which he had garnered from earlier work as a Professor of Political Science at Kansas City Junior College and Longview Community College and as a Social Science teacher at Ritenour Senior High School; and

WHEREAS, recipient of many honors and accolades, Mel Aytes recently received the Mary Stacy Distinguished Service Award from the City of Lee's Summit; and

WHEREAS, Mel Aytes is wholeheartedly dedicated to bettering the quality of life in his hometown through the service venues provided by Lee's Summit Methodist Church, American Legion, AMVETS, Lee's Summit Chamber of Commerce, Greater Kansas City Chamber of Commerce, Missouri Political Science Association, Theta Chi fraternity, and Phi Sigma Pi honorary fraternity; and

WHEREAS, although he will be fondly remembered by elected and staff members of the Missouri State Legislature for many reasons, Mel Aytes has ensured his place in legislative history even in retirement by continuing to cook world-renowned ham and beans for the Missouri Senate and House:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the long, productive career of Melvin Aytes and to convey to him this legislative body's heartiest congratulations and our best wishes as he partakes of the special opportunities and pleasures traditionally associated with the golden years of retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Melvin Aytes of Lee's Summit, Missouri.

President Maxwell assumed the Chair.

Senator Kinder, joined by entire membership of the Senate offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1937

WHEREAS, Ronald K. Kirchoff served the Missouri Senate selflessly and diligently for more than 33 years; and

WHEREAS, the service of Ronald K. Kirchoff began as an employee in the Senate mailroom in 1969; and

WHEREAS, ever ready to serve the Senate in whatever manner was demanded, Ronald Kirchoff began the modernization of the Senate's internal operation by establishing and running the Senate printing facility, including personally reviewing documents and publications to ensure their accuracy and propriety; and

WHEREAS, in the face of changing demands placed upon state governments by the citizens they served, Ron Kirchoff facilitated the establishment of a full-time professional staff in the Missouri Senate; and

WHEREAS, as the first Senate Administrator in Missouri history, so serving from 1976 until 2002, Ron Kirchoff dedicated his career to the protection of the Missouri Senate and its members; and

WHEREAS, Ron Kirchoff completed his tenure with the Senate in 2003, serving as director of research, and after his retirement continued throughout his life to share his knowledge and expertise of Senate rules and history to those seeking his guidance; and

WHEREAS, known for his keen intelligence, quiet resolve and unshakeable calm, Ron Kirchoff was the unimpeachable source of Senate history and an uncompromised authority on Senate procedure; and

WHEREAS, Ron Kirchoff's command of the intricacies, evolution and applications of the Rules of the Senate was without equal; and

WHEREAS, Ron Kirchoff's steady and personable administrative style helped guide the Senate through four decades; and

WHEREAS, Ron Kirchoff's leadership paved the way for numerous structural and technological improvements to the Senate chamber, offices, and galleries, and his foresight brought vital improvements, including computerization and modernization of Senate operations; and

WHEREAS, Ron Kirchoff always placed service to the Senate, and to the citizens, above himself; and

WHEREAS, a truer friend to the Missouri Senate and Senators will never exist:

NOW, THEREFORE BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-Second General Assembly, join unanimously in naming the West Gallery of the Senate Chamber the Ronald K. Kirchoff Gallery, in lasting honor and recognition of the dedication, sacrifice and enduring contributions of this great man to the Senate of the State of Missouri and to the citizens by whose consent the Senate serves.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Ronald K. Kirchoff.

Senator Clemens offered Senate Resolution No. 1938, regarding Mr. Show-Me Basketball, Drew Richards, which was adopted.

Senator Shields assumed the Chair.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 1160**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HB 844**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields assumed the Chair.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which were referred **HCS** for **HB 1277**, with **SCS**; **HS** for **HCS** for **HB 1433**; and **HS** for **HCS** for **HB 1195**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to concur in **HCS** for **SB 884** and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 1288**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Loudon moved that **SB 1299**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1299**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1299

An Act to repeal sections 375.772, 375.773, 375.774, 375.775, 375.776, 375.778, 375.779, 379.110, 379.815, 379.825, 384.043, 384.062, and 384.065, RSMo, and to enact in lieu thereof thirteen new sections relating to residential property insurance.

Was taken up.

Senator Loudon moved that **HCS** for **SB 1299** be adopted.

At the request of Senator Loudon, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Gibbons, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1099

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099 with House Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Michael R. Gibbons
/s/ Carl M. Vogel
/s/ John E. Griesheimer
/s/ Wayne Goode
/s/ Joan Bray

FOR THE HOUSE:

/s/ Tom Dempsey
/s/ Shannon Cooper
/s/ David Pearce
/s/ Melba J. Curls
Theodore Hoskins

Senator Gibbons moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman--2		
	Absent with leave--Senators--None		

On motion of Senator Gibbons, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1099

An Act to repeal sections 21.810, 32.057, 135.215, 173.196, 173.796, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof sixteen new sections relating to tax credits, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		

	Absent--Senators
Bland	Coleman--2
	Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1093**, entitled:

An Act to amend chapter 209, RSMo, by adding thereto three new sections relating to rights of persons with service dogs, with penalty provisions.

Was taken up by Senator Kinder.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1093, Page 2, Section 209.202, Line 13 of said page, by striking all of said line and inserting in lieu thereof the following: "who knowingly, intentionally or recklessly fails to exercise sufficient controls over the animal to".

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kinder, **HCS** for **HB 1093** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Coleman	Wheeler--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1195**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 955** was placed on the Informal Calendar.

HB 1665, with **SCS**, was placed on the Informal Calendar.

HB 841, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1277**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 1286** and **1175**, with **SCS**, was placed on the Informal Calendar.

HB 956 was placed on the Informal Calendar.

HCS for HBs 1098 and 949, entitled:

An Act to amend chapter 130, RSMo, by adding thereto two new sections relating to inaugural committees.

Was taken up by Senator Childers.

At the request of Senator Childers, **HCS for HBs 1098 and 949** was placed on the Informal Calendar.

HS for HB 1599, with **SCS**, introduced by Representative Ervin, entitled:

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to a joint committee on waste, fraud, and abuse.

Was taken up by Senator Nodler.

SCS for HS for HB 1599, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1599An Act to amend chapter 21, RSMo, by adding thereto one new section relating to a joint committee on waste, fraud, and abuse.

Was taken up.

Senator Nodler moved that **SCS for HS for HB 1599** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 1599, Page 1, Section A, Line 2, by inserting after all of said line the following:

"8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the [division of design and construction] **office of administration** is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:

- (1) The specialized experience and technical competence of the firm or team with respect to the type of services required;
 - (2) The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project. **The scope of work identified in the report shall be developed and executed through combined procurement in a manner that best meets the needs of the government. For the purposes of this section and section 8.237, RSMo, "best meets the needs of government" means, but is not limited to, on a cost effective and timely basis but not otherwise inconsistent with the provisions provided herein; and**
 - (3) The past record of performance of the firm or team with respect to such factors as control of costs, quality of work and ability to meet schedules.
2. [Each guaranteed energy cost saving contract, authorized pursuant to this section, shall reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of energy and related savings by a minimum of twelve percent.
- 3.] The guaranteed energy cost saving contract shall otherwise be in accordance with the provisions of section 8.231.
- [4. The division of design and construction is authorized to use this procurement process for eight projects.]

3. Other state governmental units may procure these services in accordance with section 8.235.

4. A governmental unit may use designated funds, bonds, or master lease for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.

5. Other state governmental agencies shall participate in the procurement of these services, in accordance with sections 8.231 and 8.237 with implementation starting on or prior to June 1, 2006.

8.237. 1. The office of administration shall develop a statewide plan of energy cost saving measures for the buildings and facilities of the state and its governmental units. The plan shall be designed to expedite energy cost savings measures on a cost effective basis. The office of administration shall divide the buildings and facilities of the state by its administrative agencies such that numerous qualified providers of varying capacity shall be eligible to submit requests for proposals or request for qualifications. The office of administration shall give preference to Missouri companies as provided for in sections 34.070 and 34.073, RSMo and relevant executive orders. Prior to the office of

administration entering into such contract, it shall solicit competitive sealed proposals from entities that best meet the needs of the governmental unit. Each governmental unit, as defined in section 8.231, prior to entering into a contract for the implementation of any significant energy conservation or facility improvement measure identified by the office of administration, shall meet the following requirements:

- (1) Obtain a report from the entity providing the energy conservation measures containing recommendations concerning the costs of installation, modifications, or remodeling, including costs of design, engineering, repairs, and financing; and
 - (2) The report shall guarantee to such governmental unit an amount of cost savings in energy or operating costs, as defined in section 8.231 if such installation, modification, or remodeling is performed by that entity.
2. For purposes of this section, "energy conservation and facility improvement measure" designed to reduce energy consumption, as defined in section 8.231 includes, but is not limited to, automated or computerized energy control and facility management systems or computerized maintenance management systems, replacement or modification of lighting fixtures and systems, energy recovery systems, water conservation, cogeneration systems, and window and door system modifications.
3. Energy savings shall be guaranteed by the entity for the entire term of the contract, and such reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures shall be provided in a manner that meets the needs of the governmental unit."; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Nodler, **HS** for **HB 1599**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

HS for **HCS** for **HB 1150**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 1433**, introduced by Representative Wood, entitled:

An Act to repeal sections 278.258, 644.076, 701.031, 701.033, 701.037, and 701.038, RSMo, and to enact in lieu thereof eleven new sections relating to regulation of water and sewer systems.

Was taken up by Senator Childers.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 1433, Page 5, Section 249.1152, Line 1, by inserting at the end of said line the following: "**of the third classification**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **HS** for **HCS** for **HB 1433**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Coleman-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 1115, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the commonsense consumption act, with an effective date.

Was called from the Informal Calendar and taken up by Senator Gross.

On motion of Senator Gross, HCS for HB 1115 was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Coleman	Wheeler--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred HB 1548, with SCS; HCS for HB 1403, with SCS; HCS for HB 855, with SCS; and HCS for HB 1118, with SCS, to the Committee on Governmental Accountability and Fiscal Oversight.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that HCS for HB 1182, with SCS and SS for SCS, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HB 1182, as amended, was again taken up.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Mathewson moved that the vote by which SA 3 was adopted be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Russell	Scott--4
	Absent with leave--Senators--None		

SA 3 was again taken up.

At the request of Senator Mathewson, the above amendment was withdrawn.

Senator Mathewson offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 1, Section A, Line 4, by inserting after all of said line the following:

"100.710. As used in sections 100.700 to 100.850, the following terms mean:

(1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;

(2) "Board", the Missouri development finance board as created by section 100.265;

(3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;

(4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Economic development project":

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of this subdivision, "economic development project" shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) "Eligible employee", a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project. For an essential industry, a person employed on a full-time basis in an existing job at the economic development project averaging at least thirty-five hours per week may be considered an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

(9) "Eligible industry", a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, health or professional services. "Eligible industry" does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry or a minimum of two hundred new jobs if the economic development project is an office industry located within a distressed community as defined in section 135.530, RSMo, **in the case of an approved company for a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, create a minimum of one hundred new jobs for eligible employees at the economic development project.** An industry that meets the definition of "essential industry" may be considered an eligible industry for the purposes of the program authorized by sections 100.700 to 100.850;

(10) "Essential industry", a business that otherwise meets the definition of eligible industry except an essential industry shall:

(a) Be a targeted industry;

(b) Be located in a home rule city with more than twenty-six thousand but less than twenty-seven thousand inhabitants located in any county with a charter form of government and with more than one million inhabitants;

(c) Have maintained at least two thousand jobs at the proposed economic development project site each year for a period of four years preceding the

year in which application for the program authorized by sections 100.700 to 100.850 is made and during the year in which said application is made;

(d) For the duration of the certificates, retain at the proposed economic development project site the level of employment that existed at the site in the taxable year immediately preceding the year in which application for the program authorized by sections 100.700 to 100.850 is made; and

(e) Invest a minimum of five hundred million dollars in the economic development project by the end of the third year after the issuance of the certificates under this program;

(11) "New job", a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state. For an essential industry, an existing job may be considered a new job for the purposes of the program authorized by sections 100.700 to 100.850;

(12) "Office industry", a regional, national or international headquarters, a telecommunications operation, a computer operation, an insurance company, or a credit card billing and processing center;

(13) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those described in this subdivision;

(14) "Program services", administrative expenses of the board, including contracted professional services, and the cost of issuance of certificates;

(15) "Targeted industry", an industry or one of a cluster of industries that is identified by the department as critical to the state's economic security and growth and affirmed as such by the joint committee on economic development policy and planning established in section 620.602, RSMo.

100.850. 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, or not to exceed ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapters 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this section exceed eleven million dollars annually. **If the approved company shall be a project for a world headquarters of a business whose primary function is tax return preparation in any home rule city with more than four hundred thousand inhabitants and located in more than one county, the aggregate amount of tax credits authorized by subsection 4 of this section shall be increased to eleven million nine hundred fifty thousand dollars annually.**

6. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceeds the amount of the approved company's income tax."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, Page 3, Section 148.330, Line 13, by inserting after the word "Constitution" the following: ", **until such time as the New Generation Cooperative Incentive Tax Credit, created pursuant to Section 348.432, RSMo, may be repealed by the General Assembly.**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182**, as amended, be adopted, which motion prevailed.

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182**, as amended, be read the 3rd time and finally passed.

Senator Klindt was recognized to close.

At the request of Senator Gibbons, **SS** for **SCS** for **HCS** for **HB 1182**, as amended, was referred to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HB 996**, **HB 1142**, **HCS** for **HB 1201** and **HB 1489** and has taken up and passed **SCS** for **HB 996**, **HB 1142**, **HCS** for **HB 1201** and **HB 1489**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HBs 998** and **905** and has taken up and passed **SS** for **HCS** for **HBs 998** and **905**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended, for **HCS** for **HB 833** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 833**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1215** and has taken up and passed **SCS** for **HCS** for **HB 1215**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HBs 1071**, **801**, **1275** and **989** and has taken up and passed **SCS** for **HBs 1071**, **801**, **1275** and **989**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 920**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 920, Section 306.169, Line 3, by deleting after the word "section" the number "306.167" and inserting in lieu thereof the number "306.165"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 1269**, entitled:

An Act to repeal sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 71.620, 94.270, 100.710, 144.757, 144.759, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee

substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof seventeen new sections relating to sales and use tax authorized in certain districts.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1269, Page 57, Section 94.270, Line 23 of said page, by deleting the words "**twenty-five**" and by inserting in lieu thereof the words "**twenty-seven**"; and

Further amend said section, Page 58, Lines 9 and 10 of said page, by deleting the words "**thirteen dollars**" and by inserting in lieu thereof the words "**thirteen dollars and fifty cents**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 1288**, as amended. Representatives: Threlkeld, Guest, St. Onge, Wharton and Henke.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended. Representatives: Pratt, Wasson, Brown, Johnson (90) and Selby.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HB 1487**, as amended. Representatives: Self, Goodman, Smith (118), Jolly and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 1000**, entitled:

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof five new sections relating to a DNA profiling system, with penalty provisions and an effective date for certain sections.

With House Amendments Nos. 2 and 3.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1000, Section 650.055, Page 10, Line 15, by inserting after all of said line the following:

"9. Notwithstanding the sovereign immunity of the state, an individual who is determined to be "actually innocent" of a crime may be paid restitution in accordance with this subsection. The individual may receive an amount of \$50.00 per day for each day of post-conviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court within one year of the release from confinement after August 28, 2003. For the purposes of this subsection the term "actually innocent" shall mean:

- (a) The individual was convicted of a felony for which a final order of release was entered by the court;**
- (b) All appeals of the order of release have been exhausted;**
- (c) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which they are determined to be actually innocent; and**
- (d) Testing ordered pursuant to section 547.035, RSMo demonstrates a person's innocence of the crime for which the person is in custody.**

An individual who receives restitution pursuant to this subsection shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This subsection shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. All restitution paid pursuant to this subsection shall be paid from moneys in the DNA profiling analysis fund. The department shall determine the aggregate amount of restitution owed during a fiscal year. If moneys remain in the fund on June 30th of each fiscal year, the remaining moneys shall be used to pay restitution to those individuals who have received an order awarding restitution under this subsection during the past fiscal year. If insufficient moneys remain in the fund on June 30th of each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount such person is owed. The remaining amounts owed to such individual

shall be paid from the fund on June 30th of each subsequent fiscal year, provided moneys remain in the fund on June 30th, until such time as the restitution to the individual has been paid in full. No interest on unpaid restitution shall be awarded to the individual. If there are no moneys remaining in the DNA profiling analysis fund, then no payments shall be made under this subsection. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831, RSMo.

10. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, RSMo shall:

(a) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(b) Be sanctioned under the provisions of section 217.262, RSMo."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1000, Page 6, Section 650.055, Line 9, by inserting after the word "RSMo.]" the following:

"or has been determined beyond a reasonable doubt to be a sexually violent predator pursuant to 632.480 to 632.513, RSMo;".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 932**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 932**, as amended. Representatives: Wilson (130), Hunter, Smith (118), George and Burnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 884** and grants the Senate a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1288**, as amended: Senators Griesheimer, Steelman, Clemens, Mathewson and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 884**: Senators Klindt, Bartle, Gibbons, Jacob and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HB 1487**, as amended: Senators Scott, Bartle, Steelman, Bray and Days.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

CONFERENCE COMMITTEE REPORTS

Senator Kinder, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1081

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, House Amendments Nos. 1, 2, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Peter Kinder
/s/ Charles R. Gross
/s/ Carl M. Vogel
/s/ Victor E. Callahan
/s/ Maida J. Coleman

FOR THE HOUSE:

/s/ Bryan Pratt
/s/ Jay Wasson
/s/ Jason Brown
Rick Johnson, 90
Harold Selby

Senator Kinder moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel--28
	NAYS--Senators		
Goode	Quick--2		
	Absent--Senators		
Bland	Clemens	Stoll	Wheeler--4
	Absent with leave--Senators--None		

On motion of Senator Kinder, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1081

An Act to amend chapter 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--29			

	NAYS--Senators	
Bray	Goode	Quick--3
	Absent--Senators	
Bland	Wheeler--2	
	Absent with leave--Senators--None	

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Caskey moved that **SB 920**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Wheeler--2		
	Absent with leave--Senators--None		

On motion of Senator Caskey, **SB 920**, as amended by **HA 1**, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Wheeler--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Loudon moved that **SB 1299**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1299** was again taken up.

Senator Loudon moved that **HCS** for **SB 1299** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

On motion of Senator Loudon, **HCS** for **SB 1299** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Yeckel moved that **SCS** for **SB 1269**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 1269**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1269

An Act to repeal sections 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 71.620, 94.270, 100.710, 144.757, 144.759, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof seventeen new sections relating to sales and use tax authorized in certain districts.

Was taken up.

Senator Yeckel moved that **HS** for **HCS** for **SCS** for **SB 1269**, as amended, be adopted.

At the request of Senator Yeckel, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Bartle moved that **SS** for **SB 1000**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SB 1000**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 1000

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof five new sections relating to a DNA profiling system, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Childers assumed the Chair.

Senator Bartle moved that **HS** for **HCS** for **SS** for **SB 1000**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Days--1			
Absent with leave--Senators--None			

On motion of Senator Bartle, **HS** for **HCS** for **SS** for **SB 1000**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1317, introduced by Representative Kingery, et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates for Boy Scouts.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HB 1317** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HCS for **HB 1405**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Callahan.

On motion of Senator Callahan, **HCS** for **HB 1405** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Callahan, title to the bill was agreed to.

Senator Callahan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1114, introduced by Representative Skaggs, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new section relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Loudon.

On motion of Senator Loudon, **HB 1114** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Yeckel--33			

NAYS--Senators--None
Absent--Senator Wheeler--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Maxwell assumed the Chair.

HB 1167, introduced by Representative Kelly (144), et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Clemens.

On motion of Senator Clemens, **HB 1167** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Klindt--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Clemens, title to the bill was agreed to.

Senator Clemens moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1284**, entitled:

An Act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

Was called from the Consent Calendar and taken up by Senator Dolan.

On motion of Senator Dolan, **HCS** for **HB 1284** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan

Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senator Quick--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Nodler moved that **HS** for **HB 1599**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Nodler, the above amendment was withdrawn.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 1599, Page 1, Section 21.820, Line 2, by deleting from said line "Joint Committee on Waste, Fraud, and Abuse" and inserting in lieu thereof "**Joint Committee on Government Accountability**"; and

Further amend page 2, same section, lines 18 to 19, by deleting said lines and inserting in lieu thereof "**(1) Make a continuing study and analysis of inefficiencies, fraud and misconduct in state government;**"; and

Further amend same page, same section, line 27, by deleting "." from said line and inserting in lieu thereof the following "**; (5) Identify and acknowledge government agencies and officials who perform functions in an efficient and effective manner.**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 1599, Page 1, Section A, Line 2, by inserting after all of said line the following:

"8.235. 1. Notwithstanding subsection 3 of section 8.231 and section 34.040, RSMo, the [division of design and construction] **office of administration** is hereby authorized to contract for guaranteed energy cost savings contracts by selecting a bid for proposal from a contractor or team of contractors using the following criteria:

- (1) The specialized experience and technical competence of the firm or team with respect to the type of services required;
 - (2) The capacity and capability of the firm or team to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project. **The scope of work identified in the report of energy audit findings shall be developed and executed in a manner that best meets the needs of the governmental unit. For the purposes of this section and section 8.237, RSMo, "best meets the needs of governmental unit" means, but is not limited to, on a cost effective and timely basis but not otherwise inconsistent with the provisions provided herein;** and
 - (3) The past record of performance of the firm or team with respect to such factors as control of costs, quality of work and ability to meet schedules.
2. [Each guaranteed energy cost saving contract, authorized pursuant to this section, shall reduce the estimated energy consumption by a minimum of twelve percent or reduce the cost of energy and related savings by a minimum of twelve percent.
- 3.] The guaranteed energy cost saving contract shall otherwise be in accordance with the provisions of section 8.231.
- [4. The division of design and construction is authorized to use this procurement process for eight projects.]

3. Other state governmental units may procure these services in accordance with section 8.235.

4. A governmental unit may use designated funds, bonds, or master lease for any guaranteed energy cost savings contract including purchases using installment payment contracts or lease purchase agreements, so long as that use is consistent with the purpose of the appropriation.
5. Other state governmental units shall participate in the procurement of these services, in accordance with sections 8.231 and 8.237 with implementation beginning on or prior to June 1, 2006.
- 8.237. 1. The office of administration shall develop a statewide plan of energy conservation and cost savings for the buildings and facilities of the state. The plan shall be designed to implement energy conservation and cost savings on a cost effective basis. The office of administration shall divide the buildings and facilities of the state by its administrative agencies such that numerous qualified providers of varying capacity shall be eligible to submit requests for proposals or request for qualifications. The office of administration shall give preference to Missouri companies as provided for in sections 34.070 and 34.073, RSMo and relevant executive orders. Prior to the office of administration entering into such contract, it shall solicit sealed proposals from entities that best meet the needs of the governmental unit. Each governmental unit, as defined in section 8.231, prior to entering into a contract for the implementation of any significant energy conservation or facility improvement measure identified by the office of administration, shall meet the following requirements:
- (1) Obtain a report of energy audit findings from the entity providing the energy conservation measures containing recommendations concerning the costs of installation, modifications, or remodeling, including costs of design, engineering, repairs, and financing; and
- (2) The proposal shall guarantee to such governmental unit an amount of cost savings in energy or operating costs, as defined in section 8.231 if such installation, modification, or remodeling is performed by that entity.
2. For purposes of this section, "energy conservation and facility improvement measure" designed to reduce energy consumption, as defined in section 8.231 includes, but is not limited to, automated or computerized energy control and facility management systems or computerized maintenance management systems, replacement or modification of lighting fixtures and systems, energy recovery systems, water conservation, cogeneration systems, and window and door system modifications.
3. The entity shall contractually guarantee energy savings as appropriate and in a manner that meets the needs of the governmental unit.
4. With regard to energy cost savings in section 8.235 and this section, subject to appropriations, funding may be provided by the office of administration's revolving administrative trust fund, general revenue, or other appropriate fund source."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Nodler moved that **SCS for HS for HB 1599**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS for HS for HB 1599**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HBs 946, 1106 and 952, with **SCS**, entitled:

An Act to repeal sections 21.795, 50.515, 226.030, 226.060, 226.527, 227.120, 301.010, and 304.190, RSMo, and to enact in lieu thereof nineteen new sections relating to transportation, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Dolan.

SCS for HCS for HBs 946, 1106 and 952, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 946, 1106 and 952 An Act to repeal sections 21.795, 50.515, 226.030, 227.120, 301.010, 301.062, 304.190, 304.580, and 307.178, RSMo, and to enact in lieu thereof eighteen new sections relating to transportation, with an emergency clause.

Was taken up.

Senator Dolan moved that SCS for HCS for HBs 946, 1106 and 952 be adopted.

Senator Dolan offered SS for SCS for HCS for HBs 946, 1106 and 952, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 946, 1106 and 952

An Act to repeal sections 21.795, 50.515, 190.044, 190.050, 190.051, 190.092, 190.094, 190.101, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, 190.185, 190.196, 190.246, 190.248, 190.250, 190.525, 190.528, 190.531, 190.534, 190.537, 191.630, 191.631, 226.030, 226.060, 227.120, 227.290, 227.303, 238.207, 238.210, 238.215, 238.216, 238.217, 238.220, 238.227, 238.233, 238.235, 238.236, 238.242, 238.252, 238.257, 301.010, 301.062, 301.129, 301.130, 301.190, 302.230, 304.170, 304.190, 304.351, 304.580, 307.178, 307.366, 321.130, 321.180, 321.554, 321.556, 389.610, 389.612, 390.201, 407.567, 622.350, and 643.315, RSMo, and to enact in lieu thereof eighty-eight new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Senator Dolan moved that SS for SCS for HCS for HBs 946, 1106 and 952 be adopted.

Senator Childers offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 17, Section 190.092, Line 12, by inserting after the word "circumstances." the following: **"The person or entity who provides appropriate training to the person using an automated external defibrillator, the person or entity responsible for the site where the automated external defibrillator is located, and the licensed physician who reviews and approves the clinical protocol, shall likewise not be held liable for civil damages resulting from the use of an automated external defibrillator, provided that all other requirements of this section have been met."**

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 63, Section 226.060, Line 4, by inserting after all of said line the following:

"226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of its message being read from such traveled way, except such outdoor advertising as is defined in subdivisions (1) and (2) of section 226.520.

2. No compensation shall be paid for the removal of any sign erected in violation of subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section if it were erected or maintained after August 13, 1976, shall be removed unless such removal is required by the Secretary of Transportation and federal funds required to be contributed to this state under section 131(g) of Title 23, United States Code, to pay compensation for such removal have been appropriated and allocated and are immediately available to this state, and in such event, such sign shall be removed pursuant to section 226.570.

3. In the event any portion of this chapter is found in noncompliance with Title 23, United States Code, section 131, by the Secretary of Transportation or his representative, and any portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are withheld, or declared forfeited by the Secretary of Transportation or his representative, all removal of outdoor advertising by the Missouri state highways and transportation commission pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full. Such cessation of removal shall not be construed to affect compensation for outdoor advertising removed or in the process of removal pursuant to this chapter.

4. In addition to any applicable regulations set forth in sections 226.500 through 226.600, signs within an area subject to control by a local zoning authority and wherever located within such area shall be subject to reasonable regulations of that local zoning authority relative to size, lighting, spacing, and location; provided, however, that no local zoning authority shall have authority to require any sign within its jurisdiction which was lawfully erected and which is maintained in good repair to be removed without the payment of just compensation. **The requirement by a local zoning authority that a legally erected outdoor advertising structure be removed or altered as a condition or prerequisite for the issuance or continued effectiveness of a permit, license, or other approval for any use, structure, development, or activity other than outdoor advertising, including a request for rezoning, constitutes a compelled removal or alteration, which is prohibited without the payment of just compensation as required by this subsection.**"; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 25, Section 307.178, Lines 14-15, by striking said lines and inserting in lieu thereof the following: "Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required] **or as provided** in section [210.104, RSMo] **307.179.**"; and further amend lines 27 and 28, by striking said lines and inserting in lieu thereof the following:

"more[, but less than sixteen years of age,] shall secure the child in a properly adjusted and fastened [safety belt] **restraint pursuant to section 307.179.**"; and

Further amend said bill and section, Page 26, Line 42, by striking the following: "or 3" and inserting in lieu thereof the following: "or [3] **7**"; and further amend said bill, page and section, lines 55 and 56, by striking said lines and inserting in lieu thereof the following: "of a motor vehicle, then the [driver and] passengers [are not in violation of this section] **who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. This subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed pursuant to section 302.178, RSMo.**

307.179. 1. As used in this section, the following terms shall mean:

- (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;
- (2) "Child passenger restraint system", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;
- (3) "Driver", a person who is in actual physical control of a motor vehicle.

2. Every person transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child as follows:

- (1) Children less than four years of age, regardless of weight, or children weighing less than forty pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;
- (2) Children four through five years of age shall be secured in a child passenger restraint system or booster seat appropriate for that child;
- (3) Children at least six years of age shall be secured by a vehicle safety belt, child passenger restraint system, or booster seat;
- (4) A child weighing more than forty pounds, who would otherwise be required to be secured in a booster seat, may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

3. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than twenty-five dollars and court costs. In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for violation of this section. If a person receives a citation for violating this section, the charges shall be dismissed or withdrawn if the person prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the person's citation.

4. The provisions of this section shall not apply to any public carrier for hire or to school buses as defined in section 301.010, RSMo, unless such school bus has been equipped with safety belts or is required to be equipped with safety belts pursuant to federal motor vehicle safety standards.

5. The department of transportation shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of this section. The department of transportation may promulgate rules and regulations for the enforcement of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,

section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void."; and

Further amend said bill and page, Section 2, Line 3, by inserting after all of said line the following:

"[210.104. 1. Every person transporting a child under the age of four years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child. Such child shall be protected by a child passenger restraint system approved by the department of public safety.

2. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than twenty-five dollars and court costs.

3. The provisions of sections 210.104 to 210.107 shall not apply to any public carrier for hire.]

[210.107. The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of sections 210.104 to 210.107. The department of public safety shall, within thirty days of September 28, 1983, promulgate standards for the performance, design, and installation of passenger restraint systems for children under four years of age in accordance with federal motor vehicle safety standards and shall approve those systems which meet such standards. No rule or portion of a rule promulgated under the authority of sections 210.104 to 210.107 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]; and

Further amend said bill and page, Section B, Line 8, by inserting after all of said line the following:

"Section C. The enactment of section 307.179, the repeal and reenactment of section 307.178, and the repeal of sections 210.104 and 210.107 of section A of this act shall become effective January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Caskey offered **SSA 1** for **SA 3**, which was read in part:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 12, Section 50.515, Line 12, of said page, by inserting after all of said line the following:

"50.535. 1. Notwithstanding the provisions of sections 50.525 to 50.745, the fee collected pursuant to subsections 10 and 11 of section 571.101, RSMo, shall be deposited by the county treasurer into a separate interest-bearing fund to be known as the "County Sheriff's Revolving Fund" to be expended at the direction of the county or city sheriff or his or her designee as provided in this section.

2. No prior approval of the expenditures from this fund shall be required by the governing body of the county or city not within a county, nor shall any prior audit or encumbrance of the fund be required before any expenditure is made by the sheriff from this fund. [This fund shall only be used by law enforcement agencies for the purchase of equipment and to provide training.] If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year. This fund may be audited by the state auditor's office or the appropriate auditing agency.

3. Notwithstanding any other provision of this section to the contrary, the sheriff of every county, regardless of classification, is authorized to pay, from the sheriff's revolving fund, all reasonable and necessary costs and expenses related to accepting and processing the application required pursuant to section 571.101, RSMo. The application and renewal fees to be charged pursuant to section 571.101, RSMo, shall be based on the sheriff's good faith estimate, made during regular budgeting cycles, of the actual costs and expenses to be incurred by the reason of compliance with section 571.101, RSMo. If the fee permitted by section 571.101, RSMo, exceeds one hundred dollars, the sheriff shall provide specific and verified evidence of the actual costs and expenses incurred to the office of administration upon certification by the attorney general.

4. If pursuant to subsection 12 of section 571.101, RSMo, the sheriff of a county of the first classification designates one or more chiefs of police of any town, city, or municipality within such county to accept and process applications for certificates of qualification to obtain a concealed carry endorsement, then that sheriff shall reimburse such chiefs of police, out of the moneys deposited into this fund, for any reasonable expenses related to accepting and processing such applications."; and

Further amend said bill, Page 180, Section 407.567, Line 9 of said page, by inserting after all of said line the following:

"571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a

certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, canceled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least twenty-three years of age, is a citizen of the United States and either:

(a) Has resided in this state for at least six months; or

(b) Is a member of the armed forces stationed in Missouri, or the spouse of such member of the military;

(2) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(3) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;

(4) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) Has not been discharged under dishonorable conditions from the United States armed forces;

(6) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

(7) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;

(8) Submits a completed application for a certificate of qualification as defined in subsection 3 of this section;

(9) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;

(10) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

(1) The applicant's name, address, telephone number, gender, and date and place of birth;

(2) An affirmation that the applicant is a resident of the state of Missouri and has been a resident thereof for the last six months or is a member of the armed forces stationed in Missouri or the spouse of such a member of the armed forces and is a citizen of the United States;

(3) An affirmation that the applicant is at least twenty-three years of age;

(4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

(5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

- (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States armed forces;
- (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;
- (9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;
- (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and
- (11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.
4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:
- (1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and
- (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.
5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.
6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.
7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, RSMo, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.
8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.
9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For **accepting and** processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee [not to exceed one hundred dollars] which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund **in order to cover any reasonably related expenses**.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term sheriff shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Dolan raised the point of order that **SSA 1** for **SA 3** is out of order, as it is not germane to the subject matter of the bill or the underlying amendment; and further is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 3 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 12, Section 50.515, Line 12, of said page, by inserting after all of said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, **one-half of one percent; [and]**

(5) Aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

~~[(5)]~~ (6) Poultry, twelve percent; and

~~[(6)]~~ (7) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a "drive-by inspection" or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank for its service.

15. The provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2003, for any taxing jurisdiction which has at least seventy-five percent of the land area of such jurisdiction within a county with a charter form of government with greater than one million inhabitants, and the provisions of this section and sections 137.073, 138.060 and 138.100, RSMo, shall become effective January 1, 2005, for all taxing jurisdictions in this state. Any county in this state may, by an affirmative vote of the governing body of such county, opt into the provisions of this act prior to January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Pages 63-65, Section 227.120, by striking said section from the bill; and

Further amend said bill, page 222, Section B, Line 22 of said page, by striking the following: "ensure" and further amend lines 23 thru 25 of said page, by striking said lines; and further amend line 32 of said page, by striking "sections 227.120 and" and inserting in lieu thereof the following: "section"; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 68, Section 227.352, Line 12, by inserting after all of said line the following:

"227.353. The portion of U.S. 412 in Dunklin County from the eastern city limits of Kennett, Missouri, to the western city limits of Hayti, Missouri, within Pemiscot County shall be designated the "Governor John M. Dalton Memorial Highway"."; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 168, Section 321.554, Line 18, of said page, by striking said line and inserting in lieu thereof the following: **"classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, or any"; and**

Further amend said bill, Page 171, Section 321.556, Line 4 of said page, by striking said line and inserting in lieu thereof the following: **"classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, or any".**

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 144, Section 302.233, Line 2, by inserting after all of said line the following:

"304.031. 1. As used in this section, "Traffic Signal Preemption System (TSPS)" shall mean a traffic-control system designated for use by emergency vehicles, as defined in section 304.031, to improve traffic movement by temporarily controlling signalized intersections.

2. The owner of a traffic control signal may authorize use of a TSPS by the following persons for the following purposes:

- (1) An authorized operator in an authorized emergency vehicle, in order to improve the safety and efficiency of emergency response operations;
- (2) An authorized operator in a bus, in order to interrupt the cycle of the traffic control signal in such a way as to keep the green light showing for longer than it otherwise would;
- (3) An authorized operator in a traffic signal maintenance vehicle, in order to facilitate traffic signal maintenance activities.
3. A TSPS used by an authorized person in an emergency vehicle shall preempt and override a device operated by any other person.
4. A traffic control signal operating device used as authorized under this section must operate in such a way that the device does not continue to control the signal once the vehicle containing the device has arrived at the intersection, regardless of whether the vehicle remains at the intersection.
5. It shall be unlawful for any person not approved herein to use a TSPS to control traffic.
6. Violation of this section shall be deemed a class B misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Days offered SA 1 to SA 8, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 2, Section 304.031, Line 8, by inserting after all of said line the following:

"7. No person shall be convicted of running a red light or traffic signal if it is shown by competent evidence that the local law enforcement agency was using a TSPS device to generate revenue or otherwise cause the motorist to improperly run the red light or traffic signal".

Senator Days moved that the above amendment be adopted, which motion prevailed.

SA 8, as amended, was again taken up.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Nodler offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 176, Section 389.612, Line 10, by inserting after "vehicle." the following: **"The owner of a commercial motor vehicle, as defined in section 301.010, shall pay a railroad crossing safety fee of twenty-five cents when such person registers or renews the registration of a commercial motor vehicle."**

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 10, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 178, Section 390.201, Line 4, by deleting said section in its entirety; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 157, Section 304.580, Line 19, of said page, by inserting after all of said line the following:

"307.156. Any person, firm, or corporation which owns or operates a business engaged in whole or in part in servicing motor vehicles and installs or purports to install an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all applicable federal safety

regulations for an airbag installed in a vehicle of that make, model, and year; or 2) installs an airbag which has previously been installed in another motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving such airbag installation that a used airbag has been installed in it, shall be guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Pages 134-135, Section 301.130.9, by deleting said subsection.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 12** was withdrawn.

Senator Bartle assumed the Chair.

Senator Goode offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 143, Section 301.190, Line 2, of said page, by inserting after all of said line the following:

"301.196. 1. Beginning January 1, 2006, except as otherwise provided in this section, the transferor of an interest in a motor vehicle or trailer listed on the face of a Missouri title, excluding salvage titles and junking certificates, shall notify the department of revenue of the transfer within thirty days of the date of transfer. The notice shall be in a form determined by the department by rule and shall contain:

- (1) A description of the motor vehicle or trailer sufficient to identify it;**
- (2) The vehicle identification number of the motor vehicle or trailer;**
- (3) The name and address of the transferee;**
- (4) The date of birth of the transferee, unless the transferee is not a natural person;**
- (5) The date of the transfer or sale;**
- (6) The purchase price of the motor vehicle or trailer, if applicable;**
- (7) The number of the transferee's drivers license, unless the transferee does not have a drivers license;**
- (8) The printed name and signature of the transferee;**
- (9) Any other information required by the department by rule.**

2. For purposes of giving notice under this section, if the transfer occurs by operation of law, the personal representative, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall be considered the transferor. Repossession by a creditor shall not be considered a transfer of ownership requiring such notice.

3. The requirements of this section shall not apply to transfers when there is no complete change of ownership interest or upon award of ownership of a motor vehicle or trailer made by court order, or transfers of ownership of a motor vehicle or trailer to or between vehicle dealers, or transfers of beneficial ownership of a motor vehicle owned by a trust.

4. Notification under this section is only required for transfers of ownership that would otherwise require registration and an application for certificate of title in this state under section 301.190, and is for informational purposes only and does not constitute an assignment or release of any interest in the vehicle.

5. Retail sales made by licensed dealers including sales of new vehicles shall be reported pursuant to the provisions of section 301.280.

301.197. 1. Beginning January 1, 2006, upon receipt of a notification of transfer described in section 301.196, the department shall make a notation on its records indicating that it has received notification that an interest in the motor vehicle or trailer has been transferred. The notation shall be made whether or not the form submitted to the department contains all the information required by section 301.196, so long as there is sufficient information to identify the motor vehicle or trailer and the name and address of the transferee. Thereafter, until a new title is issued, when the department is asked or is required by law to provide the name of the owner or lienholder of a motor vehicle or trailer as shown on its records, the department shall provide the name of the owner or lienholder recorded on the latest title or lien perfection of

record and indicate that department records show a notification of transfer but do not show a title transfer. The department shall also provide the name of the transferee, if otherwise permitted by law, if it is shown on the form submitted by the transferor pursuant to section 301.196.

2. If the department does not receive an application for title from the person named as transferee in a form submitted pursuant to section 301.196 within sixty days of the receipt of the form, the department shall notify the transferee to apply for title. Notification shall be made as soon after the sixtieth day after receipt of the form as is convenient for the department. The provisions of this subsection shall be in addition to the requirements of section 301.190.

3. The department may adopt rules for the implementation of section 301.196 and this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Notwithstanding section 226.200, RSMo, to the contrary the general assembly may appropriate state highways and transportation department funds for the requirements of sections 301.196, 301.198, and 301.280, and this section.

301.198. 1. Beginning January 1, 2006, a person commits the offense of knowingly submitting false information about transfer of a vehicle if the person submits a notice of transfer of an interest in a motor vehicle or trailer as described in section 301.196 to the department of revenue and the person knows that some or all of the information contained in the notice is false. The offense described in this section, knowingly submitting false information about transfer of a vehicle, is a class C misdemeanor.

2. Any person who fails to submit the required notice pursuant to section 301.196 shall be guilty of an infraction. If the failure to submit the required notice was done to assist the transferee to avoid applying for title, paying applicable registration fees or other fraudulent purposes, then the person shall be guilty of a class C misdemeanor.

301.280. 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: Date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. The odometer reading is not required when reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all [twenty-day] **thirty-day** temporary permits, without exception, shall be recorded in the appropriate space on the dealer's monthly sales report by recording the complete permit number issued on the motor vehicle or trailer sale listed. The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. **Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation.** Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. **Beginning January 1, 2006, the monthly sales report required by this subsection may be filed electronically. Beginning January 1, 2007, every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.**

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for three years and be open for inspection by law enforcement officials and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified."; and

Further amend said bill, Page 144, Section 302.233, Line 2 of said page, by inserting after all of said line the following:

"304.154. 1. Beginning January 1, 2005, a towing company operating a tow truck pursuant to the authority granted in section 304.155 or 304.157 shall:

- (1) Have and occupy a verifiable business address;**
- (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the storage of motor vehicles;**
- (3) Be available twenty-four hours a day, seven days a week. Availability shall mean that an employee of the towing company or an answering service answered by a person is able to respond to a tow request;**
- (4) Maintain a valid insurance policy issued by an insurer authorized to do business in this state, or a bond or other acceptable surety providing coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least five hundred thousand dollars per incident;**
- (5) Provide workers' compensation insurance for all employees of the towing company if required by chapter 287, RSMo; and**
- (6) Maintain current motor vehicle registrations on all tow trucks currently operated within the towing company fleet.**

2. Counties may adopt ordinances with respect to towing company standards in addition to the minimum standards contained in this section. A towing company located in a county of the second, third, and fourth classification is exempt from the provisions of this section.

304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

(a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(b) Any interstate highway or freeway outside of an urbanized area, left unattended for forty-eight hours, or after four hours if a law enforcement officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(c) Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or

(d) Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than forty-eight hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

(2) Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;

(3) Any abandoned property which has been abandoned under section 577.080, RSMo;

(4) Any abandoned property which has been reported as stolen or taken without consent of the owner;

(5) Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal;

(6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;

(7) Any abandoned property left unattended in violation of a state law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard; or

(8) Any abandoned property illegally left standing on the waters of this state as defined in section 306.010, RSMo, where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or is floating loose on the water.

2. The state transportation department may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal property from the roadway of any state highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the state highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

3. Any law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved from the immediate vicinity shall complete a crime inquiry and inspection report. Any state or federal government agency other than a law enforcement agency authorizing a tow pursuant to this section in which the abandoned property is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol or water patrol within two hours of the tow along with a crime inquiry and inspection report as required in this section. Any local government agency, other than a law enforcement agency, authorizing a tow pursuant to this section where property is towed away from the immediate vicinity shall report the tow to the local law enforcement agency within two hours along with a crime inquiry and inspection report.

4. Neither the law enforcement officer, government agency official nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality, other than damages occasioned by negligence or by willful or wanton acts or omissions.

5. The owner of abandoned property removed as provided in this section or in section 304.157 shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in section 304.158.

6. Upon the towing of any abandoned property pursuant to this section or under authority of a law enforcement officer or local government agency pursuant to section 304.157, the law enforcement agency that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. If the abandoned property is not claimed within ten working days of the towing, **the tower who has online access to the department of revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the department of revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of subsection 3 of section 304.156.** If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the director of revenue. A towing company **that does not have online access to the department's records and that is** in possession of abandoned property after ten working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the director of revenue and shall include the following:

- (1) The year, model, make and property identification number of the property and the owner and any lienholders, if known;
- (2) A description of any damage to the property noted by the officer authorizing the tow;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The storage location of the towed property;
- (5) The name, telephone number and address of the towing company;
- (6) The date, place and reason for the towing of the abandoned property;
- (7) The date of the inquiry of the national crime information center, any statewide Missouri law enforcement computer system and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;
- (8) The signature and printed name of the officer authorizing the tow [and the towing operator]; and
- (9) **The name of the towing company, the signature and printed name of the towing operator, and an indicator disclosing whether the tower has online access to the department's records;**
- (10) Any additional information the director of revenue deems appropriate.

7. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be provided to and retained by the storage facility and one copy shall be retained by the towing facility in an accessible format in the business records for a period of three years from the date of the tow or removal.

8. The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.

9. Any person who removes abandoned property at the direction of a law enforcement officer or an officer of a government agency where that agency's real property is concerned as provided in this section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, **including copies of any online records of the towing company accessed** and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who has complied with the notification provisions in section 304.156, including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years that shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in 301.227, RSMo, on vehicles purchased on a bill of sale pursuant to this section.

304.157. 1. If a person abandons property, as defined in section 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within his jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:

(1) The abandoned property is left unattended for more than forty-eight hours; or

(2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.

2. A local government agency may also provide for the towing of motor vehicles from real property under the authority of any local ordinance providing for the towing of vehicles which are derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of the ordinance. Any local government agency authorizing a tow under this subsection shall report the tow to the local law enforcement agency within two hours with a crime inquiry and inspection report pursuant to section 304.155.

3. Neither the law enforcement officer, local government agency nor anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.

4. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a law enforcement officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this subsection may be made only under any of the following circumstances:

(1) There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property;

(2) The abandoned property is left unattended on owner-occupied residential property with four residential units or less, and the owner, lessee or agent of the real property in lawful possession has notified the appropriate law enforcement agency, and ten hours have elapsed since that notification; or

(3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ninety-six hours have elapsed since that notification.

5. Pursuant to this section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a law enforcement officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the director of revenue and shall contain the following:

(1) The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;

- (2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
- (3) The license plate or registration number and the state of issuance, if available;
- (4) The physical location of the property and the reason for requesting the property to be towed;
- (5) The date the report is completed;
- (6) The printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;
- (7) The towing company's name and address;
- (8) The signature of the towing operator;
- (9) The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
- (10) Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the law enforcement official receiving the report; and
- (11) Any additional information the director of revenue deems appropriate.

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection 4 of this section shall deliver a copy of the abandoned property report to the local law enforcement agency having jurisdiction over the location from which the abandoned property was towed. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the law enforcement agency receiving the report has the technological capability of receiving such copy and has registered the towing company for such purpose. The registration requirements shall not apply to law enforcement agencies located in counties of the third or fourth classification. The report shall be delivered within two hours if the tow was made from a signed location pursuant to subdivision (1) of subsection 4 of this section, otherwise the report shall be delivered within twenty-four hours.

7. The law enforcement agency receiving such abandoned property report must record the date on which the abandoned property report is filed with such agency and shall promptly make an inquiry into the national crime information center and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide law enforcement computer system, and an officer shall sign the abandoned property report and provide the towing company with a signed copy. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.

8. The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall search the records of the department of revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, **and if the tower has online access to the department of revenue's records, the tower shall comply with the requirements of section 301.155, RSMo.** If the abandoned property is not claimed within ten working days, the towing company shall send a copy of the abandoned property report signed by a law enforcement officer to the department of revenue.

9. If any owner or lessee of real property knowingly authorizes the removal of abandoned property in violation of this section, then the owner or lessee shall be deemed guilty of a class C misdemeanor."; and

Further amend said bill, Page 180, Section 407.567, Line 9 of said page, by inserting after all of said line the following:

"577.080. 1. A person commits the crime of abandoning a motor vehicle **or trailer** if he abandons any motor vehicle **or trailer** on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without his consent.

2. **For purposes of this section, the last owner of record of a motor vehicle or trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and 301.197, RSMo, shall be deemed prima facie to have been the owner of such motor vehicle or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle or trailer shall not be subject to the penalties provided by this section if the motor vehicle or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle or trailer at the time of the alleged violation. The affidavit submitted pursuant to this subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle or trailer is alleged to have been stolen, the owner of the motor vehicle or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle was stolen at the time of the alleged violation.**

3. Abandoning a motor vehicle **or trailer** is a class A misdemeanor.

4. Any person convicted pursuant to this section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the motor vehicle or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned motor vehicle or trailer that exist at the time the motor vehicle is transferred pursuant to section 304.156, RSMo, shall remain the liability of the person convicted pursuant to this section so long as the towing company, as defined in chapter 304, RSMo, provided the title owner and lienholders, as ascertained by the department of revenue records, a notice within the timeframe and in the form as described in subsection 1 of section 304.156, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 114, Section 238.257, Line 27, by inserting after all of said line the following: "300.330. The driver of a **motor** vehicle shall not drive within any sidewalk **bicycle lane shall not be obstructed by a parked or standing motor** area except as a permanent or temporary driveway. **A designated vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this section, the term "designated bicycle lane" shall mean a portion of the roadway or highway which has been designated by the governing body having jurisdiction over such roadway or highway by striping, signing and pavement markings for the preferential or exclusive use of bicycles.**

300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every driver of a vehicle, **human powered vehicle, or motorcycle** shall exercise the highest degree of care to avoid colliding **upon a roadway** with any pedestrian [upon any roadway and shall give warning by sounding the horn when necessary], **any person propelling or a passenger on a human powered vehicle, any person operating or a passenger on a motorcycle, or any person operating or occupying a motor vehicle** and shall exercise [proper precaution] **the highest degree of care** upon observing any child or any confused or incapacitated person upon a roadway.

300.411. 1. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle until the motor vehicle is safely past the bicycle.

2. When passing a pedestrian in or near a roadway, a person operating a vehicle shall exercise the highest degree of care by operating at a safe speed and leaving a safe distance between the vehicle and the pedestrian until the vehicle is safely past the pedestrian."; and

Further amend said bill, Page 157, Section 304.580, Line 19, by inserting after all of said line the following:

"304.675. 1. The governing body of a county or municipality may establish a maximum speed limit within a school zone not less than twenty miles per hour. Such speed limit shall be in force only during those times thirty minutes before, during, and thirty minutes after the periods of time when students are arriving at a regularly scheduled school session and leaving a regularly scheduled school session. As used in this section, the term "school zone" means property on which a school building is located and the sections of street or highway on or adjacent to the school property that are designated by signs indicating that it is a school and showing the posted limit or a section of street or highway where a school crossing is located that is designated by signs indicating that it is a school crossing and showing the posted speed limit. The state highways and transportation commission shall approve a speed limit in school zones on state or federal highways before the same shall become effective.

2. The governing body of a county or municipality may establish a speed limit within a school zone lower than twenty miles per hour if it finds, in conjunction with the school board, that a lower limit is needed to promote public safety, and the governing body of a county or municipality may extend the hours which the school zone speed limit is in force, if it finds, in conjunction with the school board, that extended hours for the school zone speed limit are needed to promote public safety. The establishment of any speed limit within a school zone lower than twenty miles per hour shall be in accordance with sections 304.010, 304.120, and 304.130.

3. The governing body of a county or municipality may provide that fines for any traffic violation within a school zone during the hours when the school zone speed limit is in effect shall be double the usual amount, and may erect signs in school zones indicating that fines are doubled.

304.677. Notwithstanding any other provisions of the law to the contrary, every driver of a vehicle, human powered vehicle, or motorcycle shall exercise the highest degree of care to avoid colliding upon any roadway with any pedestrian, any person propelling or a passenger on a human powered vehicle, any person operating or a passenger on a motorcycle, or any person operating or occupying a motor vehicle, and shall exercise the highest degree of care upon observing any child or any confused or incapacitated person upon a roadway.

304.678. 1. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle until the motor vehicle is safely past the bicycle.

2. When passing a pedestrian in or near a roadway, a person operating a vehicle shall exercise the highest degree of care by operating at a safe speed and leaving a safe distance between the vehicle and the pedestrian until the vehicle is safely past the pedestrian."; and

Further amend said bill, Page 160, Section 307.178, Line 3, by inserting after all of said line the following:

"307.180. As used in sections 307.180 to 307.193:

(1) The word "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, **or two parallel wheels and one or two forward or rear wheels, all of which are more than fourteen inches in diameter**, except scooters and similar devices;

(2) The term "motorized bicycle" shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

307.191. Bicycle travel on the shoulder of the roadway, including travel on four-lane limited access highways, shall be permitted except where local ordinances and federal regulations or administrative rules promulgated by the state highways and transportation commission prohibit such shoulder travel. Roadways where shoulder bicycle travel is prohibited shall be clearly marked with signs. On all other streets and highways where bicycle travel on shoulders is permitted, bicycle travel on the roadway in accordance with section 307.190 shall not be restricted."; and

Further amend said bill, page 180, section 407.567, line 9, by inserting after all of said line the following:

"537.038. Notwithstanding any other provisions of the law to the contrary, every driver of a vehicle, human powered vehicle, or motorcycle shall exercise the highest degree of care to avoid colliding upon any roadway with any pedestrian, any person propelling or a passenger on a human powered vehicle, any person operating or a passenger on a motorcycle, or any person operating or occupying a motor vehicle, and shall exercise the highest degree of care upon observing any child or any confused or incapacitated person upon a roadway.

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if [he] **the person**:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person **or**;

(3) In operating a vehicle, recklessly causes the death of another person.

2. Involuntary manslaughter in the first degree is a class C felony.

3. A person commits the crime of involuntary manslaughter in the second degree if:

(1) [He] **The person** acts with criminal negligence to cause the death of any person; **or**

(2) The person operates a vehicle in a manner that violates local, state, or federal traffic law or regulation, and causes or contributes to the death of any person.

4. Involuntary manslaughter in the second degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree if [he] **the person**:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or

(5) Recklessly causes physical injury to another person by means of discharge of a firearm; **or**

(6) In operating a vehicle, recklessly causes serious physical injury to another person.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. Assault in the second degree is a class C felony.

565.070. 1. A person commits the crime of assault in the third degree if:

(1) The person attempts to cause or recklessly causes physical injury to another person; or

(2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or

- (3) The person purposely places another person in apprehension of immediate physical injury; or
- (4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- (5) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
- (6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would consider offensive or provocative; **or**
- (7) In operating a vehicle, the person recklessly causes physical injury to another person.**

2. Except as provided in subsections 3 and 4 of this section, assault in the third degree is a class A misdemeanor.

3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills No. 946, 1106 and 952, Page 135, Section 301.130, Line 14, of said page, by inserting after all of said line the following:

"301.132. 1. [Any motor vehicle manufactured in 1948 or before which is modified for safe road use, including but not limited to modifications to the drive train, suspension, brake system, and any safety or comfort apparatus and which is not owned solely as a collector's item and which is not used or intended to be used solely for exhibition and educational purposes only, may be specially registered as a "street rod" upon payment of an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees. Upon the transfer of the title to any such vehicle the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, verified by affidavit, providing that such vehicle meets the requirements which shall be issued by the director for classification as a "street rod", and a certificate of registration shall be issued therefor.

3. The director shall issue to the owner of any motor vehicle registered under this section two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "Street Rod", "State of Missouri". Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The advisory committee established in section 301.129 shall determine the characteristic features of such license plates for vehicles registered under the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Motor vehicles registered under this section are subject to the motor vehicle safety inspection requirements of sections 307.350 to 307.390, RSMo.] **For purposes of this section, "street rod" is a vehicle older than 1949 or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949; and has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.**

2. The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle shall be the model year and year of manufacture.

3. For each street rod, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

4. In applying for registration of a street rod pursuant to this section, the owner of the street rod shall submit with the application a certification that the vehicle for which the application is made will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses, and will not be used for general daily transportation.

5. In addition to the certification required pursuant to subsection 4 of this section, when applying for registration of a street rod, the new owner of the street rod shall provide proof that the street rod passed a safety inspection in accordance with section 307.350, RSMo.

6. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "Street Rod", "State of Missouri". Such license plates shall be kept securely attached to the motor vehicle registered pursuant to this section. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such; except that such license plates shall be made with fully reflective material with a common color scheme

and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

7. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

8. Except as provided in subsection 5 of this section, a vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls.

9. A custom vehicle means any motor vehicle that:

(1) Is at least twenty-five years old and of a model year after 1948, or was manufactured to resemble a vehicle twenty-five years old or older and of a model year after 1948; and

(2) Has been altered from the manufacturer's original design or has an entire body constructed from nonoriginal materials.

10. The model year and the year of manufacture that are listed on the certificate of title of a custom vehicle shall be the model year and year of manufacture.

11. For each custom vehicle, there shall be an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees.

12. In applying for registration of a custom vehicle pursuant to this section, the owner of the custom vehicle shall submit with the application a certification that the vehicle for which the application is made will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses, and will not be used for general daily transportation.

13. In addition to the certification required pursuant to subsection 12 of this section, when applying for registration of a custom vehicle, the new owner of the custom vehicle shall provide proof that the custom vehicle passed a safety inspection in accordance with section 307.350, RSMo.

14. On registration of a vehicle pursuant to this section, the director of the department of revenue shall issue to the owner two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "Custom Vehicle", "State of Missouri". Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The director of revenue shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such; except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive as prescribed by section 301.130.

15. Unless the presence of the equipment was specifically required by a statute of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment is not required for the operation of a vehicle registered pursuant to this section.

16. Except as provided in subsection 12 of this section, a vehicle registered pursuant to this section is exempt from any statute of this state that requires periodic vehicle inspections and from any statute of this state that requires the use and inspection of emission controls.

17. For purposes of this section, "blue dot tail light" is a red lamp installed in the rear of a motor vehicle containing a blue or purpose insert that is not more than one inch in diameter.

18. A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 68, Section 227.352, Line 12, by inserting after the end of said line the following:

"227.355. The portion of U.S. Highway 65 contained within Mercer County shall be designated the "Robert Taylor Kelly Memorial Highway". Costs for such designations shall be paid by private donations."; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 946, 1106 and 952, Page 180, Section 407.567, Line 9, by inserting after said line the following:

"590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle [for a violation of any motor vehicle statute or ordinance], that officer shall report the following information to the law enforcement agency that employs the officer:

- (1) The age, gender and race or minority group of the individual stopped;
- (2) The [traffic violation or violations alleged to have been committed that led to] **reasons for** the stop;
- (3) Whether a search was conducted as a result of the stop;
- (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;
- (5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;
- (6) Whether any warning or citation was issued as a result of the stop;
- (7) If a warning or citation was issued, the violation charged or warning provided;
- (8) Whether an arrest was made as a result of either the stop or the search;
- (9) If an arrest was made, the crime charged; and
- (10) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

- (a) The total number of vehicles stopped by peace officers during the previous calendar year;
- (b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;
- (c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and
- (d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

- (1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;
- (2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:
 - (a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and
 - (b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;
- (3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, be adopted, which motion prevailed.

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, be read the 3rd time and finally passed.

Senator Dolan was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, entitled:

An Act to repeal sections 105.454, 160.254, 160.261, 160.570, 162.081, 162.261, 163.031, 163.036, 165.301, 167.020, 167.031, 167.051, 167.171, 168.110, 168.124, 168.126, 168.211, 168.515, 172.360, 209.321, 210.145, 302.272, and 393.310, RSMo, and to enact in lieu thereof thirty-one new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, Pages 22 to 28, Section 162.081, by deleting all of said section from the bill; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, Page 80, Section 209.321, Lines 23-24 of said page, by striking all of said lines; and

Further amend said bill and section, Page 81, Lines 1-18 of said page, by striking all of said lines and inserting in lieu thereof the following:

"8. (1) The board for certification of interpreters shall grant a provisional certificate in education for any applicant who meets either of the following criteria:

(a) The applicant possesses a current valid certification in the Missouri interpreters certification system at either the novice or apprentice level and holds a valid license to provide interpreting services; or

(b) The applicant has submitted an application for certification in the Missouri interpreters certification system and an application for an interpreting license pursuant to sections 209.319 to 209.339 and has taken the written test and performance test or attests that he will complete the certification and licensure applications and take the written test within sixty days following the date of application for a provisional certificate in education and will complete the performance test within sixty days following passage of the written test.

(2) The board shall issue the provisional certificate in education within ten business days following receipt of a complete application.

(3) A provisional certificate issued under paragraph a of subdivision 1 of this subsection shall be valid for a term of three years and shall be renewed by the board, upon request by the certificate holder, for one additional term of three years if the certificate holder is reevaluated during the first term of issuance and achieves a higher level of certification in the Missouri interpreter certification system.

(4) A provisional certificate issued under paragraph b of subdivision 1 of this subsection shall be valid for one year and shall be renewed,

upon request of the certificate holder, pursuant to subdivision 3 of this subsection if the certificate holder is reevaluated during the term of issuance and achieves a certification in the Missouri interpreters certification system. Such renewed certificate shall be subject to the term length and renewal provisions of subdivision 3 of this subsection.

(5) A provisional certificate in education shall be limited to providing interpreting services in preschool, elementary and secondary school settings or as allowed by any other valid Missouri certification or license held by the individual.

(6) A provisional certificate in education may be revoked by the board if the person makes any misrepresentations or fails to fulfill any commitment made pursuant to paragraph b of subdivision 1 of this subsection, or violates section 209.317 or 209.334 or breaks any of the ethical rules of conduct for interpreters as established by state rule or fails to obtain the necessary continuing education credits required for certification maintenance."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, Section 167.166, Page 59, Line 12 of said page, by inserting after the words "**employee of**" the following: "**or volunteer at**"; and

Further amend said section and page, Lines 20 and 21 of said page, by deleting the words "**probable to cause**" and inserting in lieu thereof the following: "**that poses an imminent threat of**"; and

Further amend said section, Page 60, Lines 9 and 10, by deleting the words "**disciplined immediately in accordance with applicable law**" and inserting in lieu thereof the following: "**immediately suspended without pay, pending an evidentiary hearing when such employee is entitled by statute or contract to such hearing. If an employee is not entitled to such evidentiary hearing, the employee shall be suspended pending completion of due process or further disciplinary action as provided in the district's personnel policies, as applicable.**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 1099**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1099**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 758**, entitled:

An Act to repeal sections 67.1360, 67.2015, and 94.270, RSMo, and to enact in lieu thereof three new sections relating to local taxes, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 884**. Representatives: Byrd, Lager, Yates, Willoughby and Vogt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1114**, entitled:

An Act to repeal sections 67.402 and 82.291, RSMo, and to enact in lieu thereof two new sections relating to removal of nuisances.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1181**, entitled:

An Act to repeal sections 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, RSMo, and to enact in lieu thereof eight new sections relating to licensing of physical therapists and physical therapist assistants.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1274**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to area health education centers.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1329**, entitled:

An Act to amend chapter 190, RSMo, by adding thereto four new sections relating to emergency services.

With House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1 Amend House Committee Substitute for Senate Bill No. 1329, Page 1, Section 190.342, Line 5, by striking "190.335" and inserting in lieu thereof the following: "**190.344**"; and

Further amend said bill, page 4, section 190.346, line 7, by striking "190.335" and inserting in lieu thereof the following: "**190.344**"; and

Further amend line 17, by striking "190.330 to 190.341" and inserting in lieu thereof the following: "**190.342 to 190.348**"; and

Further amend said bill and section, page 5, line 35, by striking "190.330 to 190.341" and inserting in lieu thereof the following: "**190.342 to 190.348**"; and

Further amend line 50, by striking "190.335" and inserting in lieu thereof the following: "**190.344**"; and

Further amend said bill, page 7, section 190.348, line 19, by striking "190.335" and inserting in lieu thereof the following: "**190.344**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, entitled:

An Act to repeal sections 493.050, 610.010, 610.011, 610.020, 610.021, 610.022, 610.023, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof fourteen new sections relating to public records, with an emergency clause for a certain section.

With House Amendments Nos. 1, 3, 5, 6, 9 and 10.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 23, Section 610.026, Line 23, by deleting the word "**clerical**"; and

Further amend said page and section, Line 24, by deleting the coma ",",

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1020, 889 and 869, Page 3, Section 493.050, Line 23 of said page, by inserting after all of said line the following:

"**537.805. 1. Any person who:**

- (1) Knowingly presents or causes to be presented, to an official or employee of the state, a false or fraudulent claim for payment or approval;**
- (2) Knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the state;**
- (3) Knowingly delivers, or causes to be delivered, less property or money used, or to be used, by the state, than the amount for which the person receives a certificate or receipt;**

(4) Knowingly delivers a document certifying receipt of property used, or to be used, by the state without completely knowing that the information on the receipt is true;

(5) Knowingly buys or receives as a pledge of an obligation or debt, public property from an official or employee of the state who lawfully may not sell or pledge the property;

(6) Knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the state;

(7) Conspires to defraud the state by getting a false or fraudulent claim allowed or paid;

is liable to the state for a penalty for each false claim of not less than five thousand dollars and not more than ten thousand dollars, plus three times the amount of actual damages which the state sustains because of the act of that person.

2. If the court finds that:

(1) The person committing the violation of this section furnished officials of the state responsible for investigating false claims violations with all information known to such person about the violation within thirty days after the date on which the defendant first obtained the information;

(2) Such person fully cooperated with any state investigation of such violation; and

(3) At the time such person furnished the state with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation; the court may assess only the amount of damages which the state sustains because of the act of the person. The court may also grant immunity from criminal prosecution to such person for good cause at the request of the state. Any person violating subsection 1 of this section shall also be liable for the costs of any civil action brought to recover any such damages or penalties.

3. The state may dismiss the action, notwithstanding the objections of the person initiating the action if the person has been notified by the state of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

4. The state may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

5. As used in this section the following terms shall mean:

(1) "Claim", includes, but is not limited to, each request or demand, whether under a contract or otherwise, for money or property which is made to the state or to a contractor, grantee, or other recipient if the state provides any portion of the money or property which is requested or demanded, or if the state will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded;

(2) "Knowing" and "Knowingly", a person:

(a) Has actual knowledge of the information;

(b) Acts in deliberate ignorance of the truth or falsity of the information; or

(c) Acts with specific intent to defraud.

537.810. 1. The attorney general shall investigate violations of section 537.805. The attorney general may bring a civil action in the name of the state if the attorney general finds that a person has violated or is violating section 537.805. But if any action involving the same violations has already been filed by a person under section 537.805, the state may only intervene in it as set forth in this section.

2. Any person may bring a civil action for a violation of section 537.805 in the name of the person and on behalf of the state. No such action shall be dismissed without the written consent of the attorney general after court approval.

3. The complaint shall be filed in camera, shall remain under seal for up to one hundred eighty days from the date of filing, and shall not be served on the defendant until the court so orders.

4. A copy of the petition filed by any person pursuant to sections 537.805 to 537.810 shall be served on the attorney general along with a disclosure statement describing the fraudulent acts or omissions and setting forth all evidence known to the person in support of the claims. The attorney general may proceed with the action by entering an appearance within one hundred eighty days of being served. The attorney general may, for good cause, extend such one hundred eighty day period upon request to the court, as necessary and may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal pursuant to subsection 3 of this section. Any such motions may be supported by affidavits or other submissions in camera. The court may not grant extensions beyond one year from the date the action was filed. The defendant shall not be required to respond to any complaint filed pursuant to this section until thirty days after the complaint is unsealed and served upon the defendant. The person bringing the action may proceed with the action if the attorney general:

(1) By the end of the one hundred eighty day period or whatever extensions are granted by the court does not file a motion to intervene or

obtain a continuance of the aforesaid time period; or

(2) Does not proceed with the action with reasonable diligence within six months after filing a motion to intervene, or within additional time the court allows after notice to the person bringing the action.

5. Except as provided in subsection 8 of this section, when a person brings an action pursuant to this section, no one else may bring a related action based on the facts underlying the pending action and only the attorney general may intervene pursuant to subsection 4 of this section.

6. If the attorney general initiates or intervenes in the action, it shall be conducted solely by the state, with notice of all proceedings to the person who filed the action as another party. The state is not bound by any act of the person bringing the action.

7. Unless the state proceeds with the action, the court shall dismiss an action brought by the person if the action is based on evidence or information known to the state when the action was brought.

8. If the false or fraudulent claim involves the attorney general's office, then the state auditor shall assume all powers, duties, and obligations that the attorney general has pursuant to section 537.805 and this section.

9. If the state proceeds with the action, the person bringing the action may receive an amount the court decides is reasonable. The amount may not be more than twenty-five percent nor less than fifteen percent of the proceeds of the action and shall be paid out of those proceeds. The person shall also receive reasonable attorney's fees and costs, to be awarded against the defendant.

10. If the state does not proceed with an action, the person bringing the action may receive an amount the court decides is reasonable. The amount may not be more than thirty-five percent nor less than twenty-five percent of the proceeds of the action or settlement and shall be paid out of those proceeds. The person may also recover costs and reasonable attorney's fees from the defendant.

11. The state shall not be liable for costs or attorney's fees a person incurs in bringing an action pursuant to this section.

12. No court shall have jurisdiction over an action brought under this section by a former or present member of the armed forces against a member of the armed forces arising out of such person's service in the armed forces.

13. No court shall have jurisdiction over an action brought under this section against a member of the general assembly, a member of the judiciary, or a senior executive branch official if the action is based on evidence or information known to the government when the action was brought.

14. In no event may a person bring an action which is based upon allegations or transactions which were the subject of a civil suit or an administrative civil monetary penalty proceeding in which the government is already a party.

15. No court shall have jurisdiction over an action under this section based upon the public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a report, hearing, audit, or investigation by the general assembly or the executive branch, or from the news media, unless the action is brought by the attorney general or the person bringing the action is an original source of the information. For purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the government before filing an action under this section which is based on the information."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Section 610.023, Page 21, Line 16 of said page, by inserting immediately after the word "**available**" the following:

"without additional cost to the public body".

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, by inserting on Page 1, Section A, Line 5, after all of said line the following:

"197.150. 1. As used in this section, the term "public hospital" means a hospital organized pursuant to section 81.190 or 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo.

2. The meetings and records of a public hospital shall not be construed to be a public record or a public meeting as defined in subdivisions (5) and (6) of section 610.010, RSMo, if:

(1) The public hospital does not receive money from a tax levy imposed by the city, county, or hospital district that established the hospital; and

(2) The public hospital waives its right to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 10, Section 610.020, Line 19 of said page, by adding at the end of said line the following:

"No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 shall be permitted unless all persons present consent to such recording; any person who violates this provision shall be guilty of a class D felony."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Section 610. 029, Page 29, Line 15 of said page, by adding after all of said line the following:

"610.035. No state entity **or political subdivision** shall publicly disclose any Social Security number of a living person unless such disclosure is permitted by federal law, federal regulation or state law or unless such disclosure is authorized by the holder of that Social Security number or unless such disclosure is for use in connection with any civil, criminal, administrative or arbitral proceeding in any federal, state or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court. Notwithstanding any other provision of law to the contrary, the disclosure of Social Security numbers of deceased persons shall be lawful, provided that the state [agency] **entity or political subdivision** disclosing the information knows of no reason why such disclosure would prove detrimental to the deceased individual's estate or harmful to the deceased individual's living relatives. For the purposes of this section, "publicly disclose" shall not include the use of any Social Security number by any state entity **or political subdivision** in the performance of any statutory or constitutional duty or power or the disclosure of any Social Security number to another state [entity] **agency**, political subdivision, agency of the federal government, agency of another state or any private person or entity acting on behalf of, or in cooperation with, a state entity. Any person or entity receiving a Social Security number from any entity shall be subject to the same confidentiality provisions as the disclosing entity. For purposes of this section, "state entity" means any state department, division, agency, bureau, board, commission, employee or any agent thereof. When responding to any requests for public information pursuant to this chapter, any costs incurred by any state entity **or political subdivision** complying with the provisions of this section may be charged to the requester of such information."

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 1247**, entitled:

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 799**, entitled:

An Act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof eight new sections relating to miscarriages and stillbirths.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to concur in **HCS for SCS for SB 758** and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Shields moved that the Senate refuse to concur in **HS for HCS for SS for SCS for SB 968** and **SCS for SB 969**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Steelman moved that the Senate refuse to concur in **HS for HCS for SCS for SBs 1020, 889 and 869**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1453**, with **SCS**, introduced by Representative Hanaway, entitled:

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 135.333, 167.020, 207.050, 207.060, 210.025, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 431.056, 452.310, 452.375, 452.400, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-four new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

Was called from the Informal Calendar and taken up by Senator Shields.

SCS for **HS** for **HCS** for **HB 1453**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1453

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 135.333, 167.020, 192.016, 207.050, 207.060, 210.025, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 302.272, 402.199, 402.200, 402.205, 402.215, 402.217, 431.056, 452.310, 452.375, 452.400, 453.020, 453.030, 453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof eighty new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

Was taken up.

Senator Shields moved that **SCS** for **HS** for **HCS** for **HB 1453** be adopted.

Senator Shields offered **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1453

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 167.020, 192.016, 207.050, 207.060, 210.025, 210.102, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 431.056, 452.375, 452.400, 453.020, 453.025, 453.030, 453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-six new sections relating to foster care and protection of children, with penalty provisions and an emergency clause.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453** be adopted.

Senator Shields offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Pages 50-56, Section 210.112, by striking all of said section and inserting in lieu thereof the following:

"210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) Providers of direct services to children and their families will be evaluated in a uniform and consistent basis;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes; and

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

2. On or before July 1, 2005, and subject to appropriations, the children's division and any other state agency deemed necessary by the division shall, in consultation with the community and providers of services, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by children's services providers and agencies currently contracting with the state to provide such services and by public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

- (1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and
- (2) The ability to provide a range of child welfare services, which may include case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall not result in the loss of federal funding. Such children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004.

3. In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed basis for any individual child welfare service listed above.

4. The contracts entered into under this section shall assure that:

- (1) Child welfare services shall be delivered to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;
- (2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance-based criteria;
- (3) Any case management services provided shall be subject to a case management plan established under subsection 5 of this section which is consistent with all relevant federal guidelines. The case management plan shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served and considering relevant factors applicable to each individual case as provided by law, including:
 - (a) The interaction and interrelationship of a child with the child's foster parents, biological or adoptive parents, siblings, and any other person who may significantly affect the child's best interests;
 - (b) A child's adjustment to his or her foster home, school, and community;
 - (c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved; and
 - (d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child;
- (4) The delivery system shall have sufficient flexibility to take into account children and families on a case-by-case basis;
- (5) The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and
- (6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than fourteen days after the initial investigation or referral to the contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

- (1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;

- (2) Services authorized and necessary to facilitate the outcome target;
- (3) Timeframes in which services will be delivered; and
- (4) Necessary evaluations and reporting.

In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases, an appropriate level of services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

6. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:

- (1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and
- (2) Any recommendations regarding the continuation or possible statewide implementation of such project; and
- (3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers and agencies request to have included in the report.

7. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.

8. By February 1, 2005, the children's division shall promulgate and have in effect rules to implement the provisions of this section, and pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Shields moved that the above amendment be adopted.

Senator Jacob offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 2, Section 210.112, Line 17, by inserting immediately after said line the following:

"(1) A current license for services and programs for which licensing is applicable, with preference given to agencies which are accredited; and"; and

Further by amending all subsequent subdivision identifiers accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Callahan, Days, Kennedy and Nodler.

Senator Gross assumed the Chair.

SA 1 to SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Foster
Goode	Jacob	Kennedy	Mathewson
Quick	Stoll	Wheeler-- 15	
NAYS--Senators			
Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Griesheimer

Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel--19	
	Absent--Senators--None		
	Absent with leave--Senators--None		

Senator Shields moved that **SA 1** be adopted, which motion prevailed.

Senator Nodler offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 160, Section 1, Lines 3-10 of said page, by striking said lines and inserting in lieu thereof the following:

"When the parents maintain joint domicile or comply with court-ordered visitation, there shall be a rebuttable presumption that the nonoffending parent has not committed any violation of sections 568.030, 568.032, 568.045, 568.050, or 568.060, RSMo, or has not engaged in any conduct that would constitute child abuse or neglect under chapter 210, RSMo. In order to rebut the presumption there must be a finding of actual harm or endangerment to the child if the child is placed in the custody of the nonoffending parent."

Senator Nodler moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 90, Section 210.201, Line 7, by deleting the word "**private**" and inserting in lieu thereof the word "**public**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, by inserting after all of said line the following:

"452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. [The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.] Disqualification of a guardian ad litem shall be ordered in any legal proceeding only pursuant to [chapter 210, RSMo, or] this chapter, upon the filing of a written application by any party within ten days of appointment, or within ten days of August 28, 1998, if the appointment occurs prior to August 28, 1998. Each party shall be entitled to one disqualification of a guardian ad litem **appointed under this subsection** in each proceeding, except a party may be entitled to additional disqualifications of a guardian ad litem for good cause shown.

2. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged.

3. The guardian ad litem shall:

(1) Be the legal representative of the child at the hearing, and may examine, cross-examine, subpoena witnesses and offer testimony;

(2) Prior to the hearing, conduct all necessary interviews with persons having contact with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and attitudes. If appropriate, the child should be interviewed;

(3) Request the juvenile officer to cause a petition to be filed in the juvenile division of the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is in danger.

[3.] **4.** The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

[4.] **5.** The guardian ad litem shall be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

[5.] **6.** The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or such child's family members. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 18, Section 135.327, Line 27, by deleting all of said line and inserting in lieu thereof the following: "**residents or wards of residents**"; and

Further amend said bill, Page 19, Section 135.327, Line 22, by inserting after the word "**wards**" the following: "**of residents**"; and

Further amend said bill, Page 19, Section 135.327, Line 23, by deleting all of said line and inserting in lieu thereof the words "**of this state at**"; and

Further amend said bill, Page 19, Section 135.327, Line 26, by inserting after the word "**wards**" the following: "**of residents**"; and

Further amend said bill, Page 19, Section 135.327, Line 27, by deleting all of said line and inserting in lieu thereof "**at the time the**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 46, Section 210.109, Line 8, by deleting the word "court" and inserting in lieu thereof the word "**legal**"; and

Further amend said bill and section, page 46, line 9, by deleting the word "may" and inserting in lieu thereof the word "**shall**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 45, Section 210.109, Lines 9-12 of said page by, striking all underlined language from said lines.

Senator Stoll moved that the above amendment be adopted.

At the request of Senator Stoll, **SA 7** was withdrawn.

Senator Caskey offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 82, Section 210.160, Line 4, by inserting after "**litem**" on said line the following: ", **licensed in the practice of law,**"; and

Further amend said bill, page 83, same section, line 21, by inserting after "**duties**" the following: ", **only under direct and consistent supervision of an attorney,**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, of said page, by inserting after all of said line the following:

"452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. In any case in which the paternity of a child has been determined by a court of competent jurisdiction and where the noncustodial parent is delinquent in the payment of child support in an amount in excess of ten thousand dollars, the custodial parent shall have the right to petition a court of competent jurisdiction for the termination of the parental rights of the noncustodial parent."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kennedy offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 35, Section 207.085, Line 3, by inserting immediately after said line the following:

"208.631. 1. Notwithstanding any other provision of law to the contrary, the department of social services shall establish a program to pay for health care for uninsured children. Coverage pursuant to sections 208.631 to 208.660 is subject to appropriation. The provisions of sections 208.631 to 208.657 shall be void and of no effect after July 1, 2007.

2. For the purposes of sections 208.631 to 208.657, "children" are persons up to nineteen years of age, **including unborn children**. "Uninsured children" are persons up to nineteen years of age who are emancipated and do not have access to affordable employer-subsidized health care insurance or other health care coverage or persons whose parent or guardian have not had access to affordable employer-subsidized health care insurance or other health care coverage for their children for six months prior to application, are residents of the state of Missouri, and have parents or guardians who meet the requirements in section 208.636. A child who is eligible for medical assistance as authorized in section 208.151 is not uninsured for the purposes of sections 208.631 to 208.657."; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Shields raised the point of order that **SA 10** is out of order, as it goes beyond the scope, title and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bartle assumed the Chair.

Senator Gross offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 61, Section 210.145, Lines 5-7, by deleting said lines and insert in lieu thereof the following: "child's school or child-care facility] **in any school building or child care facility building where abuse of such child is alleged to have occurred**. When the child is reported".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 20, Section 135.327, Line 25 of said page, by inserting after all of said line the following:

"7. An individual claiming a tax credit for their total nonrecurring adoption expenses in a tax year shall be subject to the income limit in the tax year in which the credit is used as provided in section 23(b)(2) of the United States Internal Revenue Code of 1986, as amended, except that the amount expressed in section 23 (b) (2) (A) (i) shall be "\$90,000" in lieu of "\$150,000", and shall be subject to a reduction to the amount of the credit that may be claimed as prescribed therein."

Senator Goode moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Champion, Days and Jacob.

Senator Gross assumed the Chair.

SA 12 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Champion	Childers	Coleman	Days
Goode	Gross	Kennedy	Mathewson
Stoll--13			

	NAYS--Senators		
Bartle	Cauthorn	Clemens	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Jacob	Kinder	Klindt	Loudon
Nodler	Quick	Russell	Scott
Shields	Steelman	Vogel	Yeckel--20
	Absent--Senator Wheeler--1		
	Absent with leave--Senators--None		

Senator Days offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 68, Section 210.147, Line 7, by deleting all of said line and inserting in lieu thereof the following: "**the parents of the child or any other party.**"; and

Further amend said bill, section and page, lines 10-29, by deleting all of said lines; and

Further amend said bill and section, page 69, lines 1-22, by deleting all of said lines; and

Further amend said bill and section, page 69, line 26, by inserting after all of said line the following: "**The content of the form shall be consistent with service agreements or case plans required by statute, and shall include the following: location, but not the specific address of the child; whether the child shall remain in current placement or be moved to a new placement; visitation schedule for the child's family; and any additional core commitments.**".

Senator Days moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, of said page, by inserting after all of said line the following:

"452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer. If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. When a person filing a petition for modification of a child custody decree owes past due child support to a custodial parent, such person shall post a bond in the amount of past due child support owed as ascertained by the division of child support enforcement or reasonable legal fees of the custodial parent, whichever is greater, before the filing of the petition. The court shall hold the bond in escrow until the modification proceedings pursuant to this section have been concluded wherein such bond shall be transmitted to the division of child support enforcement for disbursement to the custodial parent."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 24, Section 167.020, Line 9, by inserting after the end of said line the following:

"167.166. 1. No employee, volunteer, or school board member of any public school or charter school within this state, and no employee of the department of social services, shall perform or direct a strip search as defined in section 544.193, RSMo, of any student of any such school. No employee, volunteer, or school board member of any public school or charter school within this state, and no employee of the department of social services, shall direct a student to take part in, direct, supervise, be present for or witness a strip search of a fellow student. Any employee, volunteer, or school board member who violates this subsection shall be immediately suspended from their association with the school or with the department, without pay if such person would otherwise receive pay, pending an evidentiary hearing on the matter. In the event the person suspended is found, after an evidentiary hearing, to have violated this subsection, such person shall be subject to sanctions up to and including termination from the school, or on the school board, or with the department of social services.

2. In the event a certified law enforcement officer has probable cause to believe that a student of a public or charter school in this state has concealed a deadly or dangerous weapon on the student's person and is present on the property of the school, such officer may detain the student for the limited purpose of conducting a search and may conduct a strip search of such student as defined and limited in section 544.193, RSMo, and pursuant to the limitations and provisions of this subsection, only to the limited extent reasonably necessary to determine whether the student has possession of a deadly or dangerous weapon and to take possession of any such weapon if found on the person of the student. No male law enforcement officer shall conduct or be present during the strip search of a female student performed pursuant to this subsection. No female law enforcement officer shall conduct or be present during the strip search of a male student performed pursuant to this subsection. Any student to be strip searched pursuant to this subsection shall not be strip searched until the principal of the school or a law enforcement officer has made contact with the student's parents or legal guardians, or with the foster parents if the student is in the custody of the department of social services, and informed such persons of the impending strip search and notified such persons of the provisions of this section. In the event a parent, legal guardian, or foster parent of the student is successfully contacted and expresses a desire to be present during the strip search, the strip search shall not be commenced until the parent, legal guardian or foster parent expressing such desire has been given at least thirty minutes to appear at the location of the strip search; except, if the parent or legal guardian is subject to a court order of protection in favor of the student, such person's desire to be present shall not delay the commencement of the strip search. Nothing contained in this section shall authorize a parent, legal guardian, or any other person to violate a court order of protection prohibiting such parent, legal guardian or other person from being in the presence of the student.

3. In the event any strip search of a student is conducted pursuant to this section, the school principal, in conjunction with the certified law enforcement officer, shall prepare a comprehensive written report of the entire incident leading to the strip search and of the strip search itself. The report shall include, but not be limited to, the name, address, employer, title and gender of each person present at the strip search. The full written report shall be hand delivered to the student's parents or legal guardians or foster parents, and to an authorized representative of the school board, and to the director of the department of social services if applicable, within forty-eight hours of the commencement of the strip search."; and

Further amending the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 145, Section 452.400, Line 4, by inserting after all of said line the following:

"452.402. 1. The court may grant reasonable visitation rights to the grandparents of the child and issue any necessary orders to enforce the decree. The court may grant grandparent visitation when:

- (1) The parents of the child have filed for a dissolution of their marriage. A grandparent shall have the right to intervene in any dissolution action solely on the issue of visitation rights. Grandparents shall also have the right to file a motion to modify the original decree of dissolution to seek visitation rights when [such rights have] **visitation has** been denied to them; **or**
- (2) One parent of the child is deceased and the surviving parent denies reasonable visitation [rights] to a parent of the deceased parent of the child; **or**
- (3) The child has resided in the grandparent's home for at least six months within the twenty-four month period immediately preceding the filing of the petition; **and**
- (4) A grandparent is unreasonably denied visitation with the child for a period exceeding ninety days. However, if the natural parents are legally married to each other and are living together with the child, a grandparent may not file for visitation pursuant to this subdivision[]; **or**
- (5) The child is adopted by a stepparent, another grandparent or other blood relative].

2. The court shall determine if the visitation by the grandparent would be in the child's best interest or if it would endanger the child's physical health or impair the child's emotional development. Visitation may only be ordered when the court finds such visitation to be in the best interests of the child. However, when the parents of the child are legally married to each other and are living together with the child, it shall be a rebuttable presumption that such parents know what is in the best interest of the child. The court may order reasonable conditions or restrictions on grandparent visitation.

3. If the court finds it to be in the best interests of the child, the court may appoint a guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law in Missouri. The guardian ad litem may, for the purpose of determining the question of grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

4. A home study, as described by section 452.390, may be ordered by the court to assist in determining the best interests of the child.

5. The court may, in its discretion, consult with the child regarding the child's wishes in determining the best interest of the child.

6. The right of a grandparent to [seek or] maintain visitation rights pursuant to this section may terminate upon the adoption of the child.

7. The court may award reasonable attorneys fees and expenses to the prevailing party."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted, which motion prevailed.

Senator Bray offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, Page 45, Section 210.109, Lines 9-12, by striking all underlined language from said lines and inserting in lieu thereof the following: "**and provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319, RSMo**".

Senator Bray moved that the above amendment be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, be adopted, which motion prevailed.

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, be read the 3rd time and finally passed.

Senator Shields was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SB 932**, as amended: Senators Loudon, Cauthorn, Bartle, Callahan and Quick.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1939, regarding the late Dr. Melvin C. Kasten, Cape Girardeau, which was adopted.

Senator Kinder offered Senate Resolution No. 1940, regarding Chief of Police, Ronald A. Batelle, St. Louis County, which was adopted.

Senator Nodler offered Senate Resolution No. 1941, regarding the Fiftieth Anniversary of the Avilla R-XIII School District, Avilla, which was adopted.

Senator Nodler offered Senate Resolution No. 1942, regarding Dr. Phillip McClendon, Joplin, which was adopted.

Senator Quick offered Senate Resolution No. 1943, regarding David Wayne Skinner, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1944, regarding Jeremy Joseph Montague, which was adopted.

Senator Quick offered Senate Resolution No. 1945, regarding Ian Jeffrey Koch, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1946, regarding Joshua Andrew Cheney, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1947, regarding Andrew William Krenkel, Lawson, which was adopted.

Senator Quick offered Senate Resolution No. 1948, regarding Eric Michael Cheney, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1949, regarding Kyle Austin Hendricks, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1950, regarding Jeffrey Michael Baskin, Gladstone, which was adopted.

Senator Quick offered Senate Resolution No. 1951, regarding Richard Lee Sleightholm, Jr., Kansas City, which was adopted.

Senator Dougherty offered Senate Resolution No. 1952, regarding the 2003-2004 Gold Star School, Metro High School, St. Louis City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Wendy Hills and Bob and Cindy Smith, Columbia; and Paul Kingsley, England.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTIETH DAY-WEDNESDAY, MAY 12, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-Kinder
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

- 1. HB 1548-Crawford, with SCS (Cauthorn)
(In Fiscal Oversight)
- 2. HCS for HB 1403, with SCS (Vogel)
(In Fiscal Oversight)
- 3. HS for HCS for HB 1285-Engler (Dolan)
- 4. HS for HB 1339-Cunningham (86) (Loudon)
- 5. HCS for HB 1099 (Shields)
- 6. HS for HCS for HB 852-Holand, with SCS
(Champion)
- 7. HCS for HB 1509 (Shields)

8. HCS for HB 855, with SCS (Steelman)

(In Fiscal Oversight)

9. HCS for HB 1118, with SCS (Dolan)

(In Fiscal Oversight)

10. HB 1504-Lipke and Crowell (Dolan)

11. HB 1109-Crawford, et al (Cauthorn)

12. HCS for HB 1152 (Nodler)

13. HB 1160-Parker, et al, with SCS (Steelman)

14. HB 844-Mayer, et al (Loudon)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for SCS

(pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 &

SSA 1 for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS & SA 2

(pending)

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2

(pending)

SB 906-Foster, with SCS, SS for SCS & SA 2

(pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for
SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order

(pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 841-Angst, with SCS (Steelman)

HCS for HB 898, with SCS (Shields)

SS for SCS for HCS for HBs 946, 1106 &

952 (Dolan) (In Fiscal Oversight)

HCS for HB 955 (Yeckel)

HB 956-May (149) (Steelman)

HB 969-Cooper, et al (Bartle) (In
Fiscal Oversight)

HCS for HB 980, with SS (pending) (Klindt)

HCS for HBs 1098 & 949 (Childers)

HS for HCS for HB 1150-May, with SCS (Scott)

SS for SCS for HCS for HB 1182 (Klindt)
(In Fiscal Oversight)

HS for HCS for HB 1195-Behnen, with SCS
(Yeckel)

HCS for HB 1209 (Kinder)

HS for HCS for HBs 1268 & 1211-Smith
(118), with SCS, SS for SCS & SS for
SS for SCS (pending) (Loudon)

HCS for HB 1277, with SCS (Steelman)

HCS for HB 1278, with SCS (Loudon)

HCS for HBs 1286 & 1175, with SCS
(Griesheimer)

HS for HB 1409-Dempsey, with SCS, SS
for SCS, SA 9, SSA 1 for SA 9 & SA 1
to SSA 1 for SA 9 (pending) (Mathewson)

HCS for HB 1439 (Dolan)

SS for SCS for HS for HCS for HB 1453-
Hanaway (Shields) (In Fiscal Oversight)

HB 1493-Emery, et al, with SCS & SA 3
(pending) (Steelman)

HS for HCS for HB 1566-Stefanick, with
SCS, SS for SCS, SS for SS for SCS,
SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

HB 1665-Hanaway, et al, with SCS (Scott)

HS for HCS for HJR 39, 38, 42 & 47-

Engler, with SA 2 & SSA 1 for SA 2 (pending)
(Steelman)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/14

HB 1572-St. Onge, et al (Loudon)

HB 884-Ward (Loudon)

Reported 4/15

HCS for HB 912 (Goode)

HCS for HB 1449 (Vogel)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 869-Townley, et al (Caskey)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 799-Steelman, with HCS

SB 1114-Loudon, with HCS

SCS for SB 1181-Yeckel, with HCS

SCS for SB 1247-Dougherty and Kennedy,
with HCS

SCS for SB 1269-Yeckel, with HS for HCS,
as amended

SB 1274-Shields, with HCS

SB 1329-Griesheimer, with HCS, as amended

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

SCS#2 for SB 762-Champion, with HS for HCS,
as amended

SB 884-Klindt, with HCS

SB 932-Loudon, with HS, as amended

SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended (Senate
adopted CCR and passed CCS)

SCS for SB 1106-Shields, with HCS

(Senate adopted CCR and passed CCS)

HCS for HBs 795, 972, 1128 & 1161, with

SS for SCS, as amended (Childers)

HCS for HB 959, with SCS, as amended

(Yeckel)

HS for HCS for HB 978-Baker, with SS,

as amended (Yeckel)

HCS for HB 1055, with SS, as amended

(Vogel)

HCS for HB 1288, with SS for SCS, as

amended (Griesheimer)

HCS for HB 1305, with SCS, as amended

(Scott)

HS for HB 1487-Self, with SA 1, as

amended & SA 2 (Scott)

HCS for HB 1617, with SSA 1 for SA 1

(Bartle)

Requests to Recede or Grant Conference

SCS for SB 758-Griesheimer, with HCS

(Senate requests House recede or

grant conference)

SS for SCS for SB 968 & SCS for SB 969-

Shields, with HS for HCS, as amended

(Senate requests House recede or

grant conference)

SCS for SBs 1020, 889 & 869-Steelman,

et al, with HS for HCS, as amended

(Senate requests House recede or

grant conference)

RESOLUTIONS

Reported from Committee

SCR 46-Gross

SCR 49-Nodler

SR 1877-Dougherty

SCR 48-Bland, with SCS

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY--WEDNESDAY, MAY 12, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"In our time the road to holiness passes through the world of action." (Dag Hammarsjold)

Gracious Father, we are called to make many decisions today and by our actions we are known to the world we live. So we pray that as we decide the disposition of these bills that they are truly reflective of our time with You in prayer and through our actions we discover the holiness You provide. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Dolan offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1953

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Student Association of Missouri exists to unite all students of Missouri institutions of higher education, and to represent the needs and issues important to all students. Further the Student Association of Missouri serves as a communication link between students, institutions of higher education, legislators, and Missouri government in order to promote and actively work towards the betterment of Missouri higher education.

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session hereby grant the Student Association of Missouri permission to use the Senate Chamber for the purpose of conducting their annual convention on Friday, September 24 and Saturday, September 25, 2004.

CONCURRENT RESOLUTIONS

Senator Bland moved that **SCR 48**, with **SCS**, be taken up for 3rd reading and final passage, which motion prevailed.

SCS for **SCR 48**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 48

An Act relating to the establishment of a Hepatitis C Task Force.

Was taken up.

Senator Bland moved that **SCS** for **SCR 48** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SCR 48** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Dolan--1

Absent with leave--Senators--None

The President declared the concurrent resolution passed.

On motion of Senator Bland, title to the concurrent resolution was agreed to.

Senator Bland moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Scott moved that the conferees on **HS** for **HB 1487**, as amended, be allowed to exceed the differences to add an affirmative defense clause on the crime of child kidnapping, which motion prevailed.

Senator Shields moved that **SB 1274**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 1274, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1274

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to area health education centers.

Was taken up.

Senator Shields moved that HCS for SB 1274 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Scott--1
Absent with leave--Senators--None

On motion of Senator Shields, HCS for SB 1274 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Scott--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Yeckel moved that **SCS** for **SB 1181**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1181**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1181

An Act to repeal sections 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, and 334.665, RSMo, and to enact in lieu thereof eight new sections relating to licensing of physical therapists and physical therapist assistants.

Was taken up.

Senator Yeckel moved that **HCS** for **SCS** for **SB 1181** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Scott--2		
Absent with leave--Senators--None			

On motion of Senator Yeckel, **HCS** for **SCS** for **SB 1181** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Griesheimer moved that **SB 1329**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1329**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1329

An Act to amend chapter 190, RSMo, by adding thereto four new sections relating to emergency services.

Was taken up.

Senator Griesheimer moved that **HCS** for **SB 1329**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Childers--1

Absent with leave--Senators--None

On motion of Senator Griesheimer, **HCS** for **SB 1329**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Dougherty moved that **SCS** for **SB 1247**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1247**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1247

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

Was taken up.

Senator Dougherty moved that **HCS** for **SCS** for **SB 1247** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
Absent--Senator Bland-- 1
Absent with leave--Senators--None

On motion of Senator Dougherty, **HCS** for **SCS** for **SB 1247** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senators--None
Absent--Senators
Goode--2
Absent with leave--Senators--None

Bland

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Loudon moved that **HS** for **HCS** for **HBs 1268** and **1211**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SS** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** was again taken up.

At the request of Senator Foster, the above substitute bill was withdrawn.

SS for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** was taken up.

At the request of Senator Cauthorn, the above substitute bill was withdrawn.

SCS for **HS** for **HCS** for **HBs 1268** and **1211** was again taken up.

Senator Loudon offered **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1268 and 1211

An Act to repeal sections 285.300, 288.030, 288.032, 288.034, 288.036, 288.038, 288.040, 288.050, 288.060, 288.090, 288.100, 288.110, 288.120, 288.121, 288.122, 288.128, 288.290, 288.310, 288.330, 288.380, and 288.500, RSMo, and to enact in lieu thereof twenty-eight new sections relating to employees, with penalty provisions and an emergency clause.

Senator Loudon moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No.2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1268 and 1211, Page 105, Section 288.330, Line 9, by striking the word "he" and insert in lieu

thereof the following: "**The**".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Callahan offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1268 and 1211, Page 131, Section B, Lines 22-23, by striking all of said lines and insert in lieu thereof the following: "**meaning of the constitution, and sections 288.128, 288.310 and 288.330 of this Act shall be in full force and effect January 1, 2005.**".

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Callahan moved that the vote by which **SA 2** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

SA 2 was again taken up.

At the request of Senator Callahan, the above amendment was withdrawn.

Senator Callahan offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1268 and 1211, Page 131, Section B, Lines 22-23, by striking all of said lines and insert in lieu thereof the following: "meaning of the constitution, and sections 288.128, 288.310 and 288.330 of this Act shall be in full force and effect upon its passage and approval. The remaining provisions of this Act shall be in full force and effect January 1, 2005.;" and

Further amend the title by adding "with an effective date for certain sections.".

Senator Callahan moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268 and 1211**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1285**, introduced by Representative Engler, entitled:

An Act to repeal sections 226.092, 407.730 and 407.735, RSMo, and to enact in lieu thereof three new sections relating to car rental insurance, with a penalty provision.

Was taken up by Senator Dolan.

Senator Dolan offered **SS** for **HS** for **HCS** for **HB 1285**, entitled:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1285

An Act to repeal sections 226.092, 407.730 and 407.735, RSMo, and to enact in lieu thereof three new sections relating to car rental insurance.

Senator Dolan moved that **SS** for **HS** for **HCS** for **HB 1285** be adopted.

Senator Shields assumed the Chair.

Senator Gross assumed the Chair.

At the request of Senator Dolan, **HS** for **HCS** for **HB 1285**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HCS** for **HB 1182**, as amended; **HCS** for **HB 1118**, with **SCS**; **HB 1548**, with **SCS**; and **HCS** for **HB 1403**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **SS** for **SCS** for **HCS** for **HB 1182**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 1182**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Steelman moved that **SCS** for **SB 799**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 799**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 799

An Act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof eight new sections relating to miscarriages and stillbirths.

Was taken up.

Senator Steelman moved that **HCS** for **SCS** for **SB 799** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Goode	Quick	Stoll--4
	Absent with leave--Senators--None		

On motion of Senator Steelman, **HCS** for **SCS** for **SB 799** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **HS** for **HB 1487**, with **SA 1** to **SA 1**, **SA 2** to **SA 1**, **SA 1**, as amended, and **SA 2** be allowed to exceed the differences by allowing them to add affirmative defense language to the kidnapping provision in the bill.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 1365**, entitled:

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 758** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCR 26**.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 26

Relating to the Forestry Utilization Committee.

WHEREAS, the forestry industry is a vital industry to Missouri, representing over fourteen million acres of Missouri timberland, which ranks our state seventh out of the twenty northeastern timber states, supports the bulk of Missouri recreation and tourism, directly provides thousands of jobs and supports tens of thousands of jobs where forest land and products are a vital component, directly generates three billion dollars of revenue, and indirectly supports the generation of many more billions of dollars in revenue; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic contribution of this industry while making every attempt to minimize environmental harm and other negative aspects of the industry; and

WHEREAS, the industries' current practice of harvesting sixty percent of the tree, and its predominant production of low value-added products, limits the potential economic contribution to industry participants and to the state; and

WHEREAS, there exists a need for a study of the potential for increased industrial strength and rural economic gains to be realized by forestry adopting modern industrial business models and value-added techniques:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a "Forestry Utilization Committee", which shall review and evaluate both the industrial and economic impact of forestry utilization and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such committee shall be composed of twenty-seven members, one member to be a member of the Missouri Senate to be appointed by the President Pro Tem of the Senate, two members to be members of the Missouri House of Representatives to be appointed by the Speaker of the House, two county commissioners appointed by the Missouri Association of Counties, two forest landowners representing small forestry holdings with owners of less than two hundred acres of timber and two representatives of large forestry holdings with greater than two hundred acres of timber, to be appointed by the Missouri Farm Bureau, two forest landowners to be appointed by the Missouri Conservation Federation, a representative from the Resource Conservation and Development Councils, a representative from the Missouri Department of Natural Resources' Energy Center, a representative from the Missouri Enterprise Business Assistance Center, a representative of the United States Department of Agriculture Forest Service's North Central Forest Experimental Station, a representative of the University of Missouri's School of Natural Resources, a representative of Value Missouri, a representative of the Society of American Foresters, a representative from the Missouri Department of Conservation's Division of Forestry, a representative of the Missouri Forest Products Association, a representative of the Missouri Department of Agriculture's Business Development Division, two representatives of a large-volume active sawmill and two representatives of a small-volume active sawmill appointed by the Missouri Forest Products Association, a representative of the School of Agricultural Sciences at Southwest Missouri State University and a representative of the Department of Agriculture, School of Polytechnic Studies at Southeast Missouri State University. Each member of the committee shall serve until December 31, 2005. A chairman, vice-chairman, and secretary shall be elected by the membership of the committee to conduct the business of the committee; and

BE IT FURTHER RESOLVED that the committee may conduct its business by various means but shall meet no less than twice each year as a full committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the committee in carrying out its duties, including allowing access to closed records, as permitted by law, provided that the committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order, and any such information in the custody of the committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide minimal funding, administrative support, and staff for the effective operation of the committee; and

BE IT FURTHER RESOLVED that the committee shall study problems and solutions, collect information, and provide recommendations in a report to the General Assembly before July 30, 2005; and

BE IT FURTHER RESOLVED that the committee shall submit its final report to the General Assembly no later than December 31, 2005; and

BE IT FURTHER RESOLVED that the Forestry Utilization Committee shall terminate December 31, 2005; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1305**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1305**.

HOUSE BILLS ON THIRD READING

Senator Dolan moved that **HS** for **HCS** for **HB 1285**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HS** for **HCS** for **HB 1285** was again taken up.

Senator Dolan moved that **SS** for **HS** for **HCS** for **HB 1285** be adopted, which motion prevailed.

On motion of Senator Dolan, **SS** for **HS** for **HCS** for **HB 1285** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--29			
NAYS--Senators			
Bland	Bray	Days	Dougherty--4
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, as amended: Senators Steelman, Champion, Griesheimer, Goode and Quick.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 758**: Senators Griesheimer, Kinder, Childers, Days and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, as amended: Senators Shields, Foster, Bartle, Caskey and Stoll.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 1954, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Judson Baugher, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1955, regarding Ashlee Karguth, Helena, which was adopted.

Senator Klindt offered Senate Resolution No. 1956, regarding Kathleen Gallagher, Helena, which was adopted.

Senator Klindt offered Senate Resolution No. 1957, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Claude Eckert, Trenton, which was adopted.

Senator Vogel offered Senate Resolution No. 1958, regarding Patricia Ann Steck Libbert, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1959, regarding the Cole County Fire Protection District, which was adopted.

Senator Vogel offered Senate Resolution No. 1960, regarding Fire Chief Donnie Braun, Jefferson City, which was adopted.

Senator Mathewson offered Senate Resolution No. 1961, regarding Jack McCush, Sr., Boonville, which was adopted.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

CONCURRENT RESOLUTIONS

Senator Nodler moved that **SCR 49** be taken up for adoption, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Nodler, **SCR 49** was adopted by the following vote:

YEAS--Senators

Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Foster	Gibbons

Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
	NAYS--Senator Bray--1		
	Absent--Senators		
Dolan	Dougherty	Quick--3	
	Absent with leave--Senators--None		

PRIVILEGED MOTIONS

Senator Childers moved that **SS** for **SCR 26**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCR 26**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 26

An Act relating to the Forestry Utilization Committee.

Was taken up.

Senator Childers moved that **HCS** for **SS** for **SCR 26** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Dolan--1		
	Absent with leave--Senators--None		

On motion of Senator Childers, **HCS** for **SS** for **SCR 26** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick

Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan--2		
	Absent with leave--Senators--None		

The President declared the concurrent resolution passed.

On motion of Senator Childers, title to the concurrent resolution was agreed to.

Senator Childers moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Loudon moved that **SB 1114**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1114**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1114

An Act to repeal sections 67.402 and 82.291, RSMo, and to enact in lieu thereof two new sections relating to removal of nuisances.

Was taken up.

Senator Loudon moved that **HCS** for **SB 1114** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan--2		
	Absent with leave--Senators--None		

On motion of Senator Loudon, **HCS** for **SB 1114** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt

Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Jacob--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1548, with **SCS**, introduced by Representative Crawford, et al, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay.

Was taken up by Senator Cauthorn.

SCS for **HB 1548**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1548An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay.

Was taken up.

Senator Cauthorn moved that **SCS** for **HB 1548** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1548, Page 1, Section 105.935, Line 7, by striking "subsection 3" and inserting in lieu thereof the following: "**subsection 4**".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1548, Page 2, Section 105.935, Line 53, by inserting immediately after said line the following:

"211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact

upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) The court may order, pursuant to subsection 2 of section 211.081, that the child receive the necessary services in the least restrictive appropriate environment including home and community-based services, treatment and support, based on a coordinated, individualized treatment plan. The individualized treatment plan shall be approved by the court and developed by the applicable state agencies responsible for providing or paying for any and all appropriate and necessary services, subject to appropriation, and shall include which agencies are going to pay for and provide such services. Such plan must be submitted to the court within thirty days and the child's family shall actively participate in designing the service plan for the child or person seventeen years of age.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Beginning January 1, 1996, the court may make further directions as to [placement with] **the commitment to** the division of youth services concerning the child's length of stay **in the custody of the division of youth services**. The length of stay order may set forth a minimum review date;

(4) Place the child in a family home;

(5) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(6) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

(7) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the

amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

(8) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

(9) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the division of youth services. **The division of youth services shall determine the type, level, and location of placement, as well as the length of stay, in either a residential or non-residential program, to comply with the determinate length of stay in the custody of the division of youth services as set forth in the order of commitment.** No court order shall require a child to remain in the custody of the division of youth services for a period which exceeds the child's eighteenth birth date except upon petition filed by the division of youth services pursuant to subsection 1 of section 219.021, RSMo. In any order of commitment of a child to the custody of the division of youth services, the division shall determine the appropriate **length of stay in a program or placement** pursuant to subsection 3 of section 219.021, RSMo. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay **in the custody of the division of youth services** as determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The division may discharge the child from the division of youth services without a further court order after the child completes the length of stay **in the custody of the division of youth services** as determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5. When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185."

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 3:

Amend Senate Committee Substitute for House Bill No. 1548, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"105.055. 1. No supervisor or appointing authority of any state agency shall prohibit any employee of the agency from discussing the operations of the agency, either specifically or generally, with any member of the legislature [or the], state auditor, **attorney general, or any state official or body charged with investigating such alleged misconduct.**

2. No supervisor or appointing authority of any state agency shall:

(1) Prohibit a state employee from or take any disciplinary action whatsoever against a state employee for the disclosure of any alleged prohibited activity under investigation or any related activity, or for the disclosure of information which the employee reasonably believes evidences:

(a) A violation of any law, rule or regulation; or

(b) Mismanagement, a gross waste of funds or abuse of authority, or a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law; or

(2) Require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

3. This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the employee to legislators on behalf of the agency;

(2) Permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) Authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) Restricting or precluding disciplinary action taken against a state employee if: the employee knew that the information was false; the information is closed or is confidential under the provisions of the open meetings law or any other law; or the disclosure relates to the employee's own violations, mismanagement, gross waste of funds, abuse of authority or endangerment of the public health or safety.

4. As used in this section, "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work, whether or not the withholding of work has affected or will affect the employee's compensation.

5. Any employee may file an administrative appeal whenever the employee alleges that disciplinary action was taken against the employee in violation of this section. The appeal shall be filed with the state personnel advisory board; provided that the appeal shall be filed with the appropriate agency review board or body of nonmerit agency employers which have established appeal procedures substantially similar to those provided for merit employees in subsection 5 of section 36.390, RSMo. The appeal shall be filed within thirty days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with chapter 36, RSMo. If the board or appropriate review body finds that disciplinary action taken was unreasonable, the board or appropriate review body shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this section, it may review and recommend to the appointing authority that the violator be suspended on leave without pay for not more than thirty days or, in cases of willful or repeated violations, may review and recommend to the appointing authority that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the board or appropriate review body in such cases may be appealed by any party pursuant to law.

6. Each state agency shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees of the agency.

7. (1) In addition to the remedies in subsection 6 of this section, a person who alleges a violation of this section may bring a civil action for damages within ninety days after the occurrence of the alleged violation.

(2) A civil action commenced pursuant to this subsection may be brought in the circuit court for the county where the alleged violation occurred, the county where the complainant resides, or the county where the person against whom the civil complaint is filed resides.

(3) An employee must show by clear and convincing evidence that he or she or a person acting on his or her behalf has reported or was about to report, verbally or in writing, a prohibited activity or a suspected prohibited activity.

(4) A court, in rendering a judgment in an action brought pursuant to this section, shall order, as the court considers appropriate, actual damages, and may also award the complainant all or a portion of the costs of litigation, including reasonable attorney fees."; and

Further amend said bill, page 2, section 105.935, line 53, by inserting immediately after said line the following:

"610.028. 1. Any public governmental body may provide for the legal defense of any member charged with a violation of sections 610.010 to 610.030.

2. Each public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, open to public inspection, regarding the release of information on any meeting, record or vote and any member or employee of the public governmental body who complies with the written policy is not guilty of a violation of the provisions of sections 610.010 to 610.030 or subject to civil liability for any act arising out of his adherence to the written policy of the agency.

3. No person who in good faith reports a violation of the provisions of sections 610.010 to 610.030 is civilly liable for making such report, nor, if such person is an officer or employee of a public governmental body, may such person be demoted, fired, **harassed**, suspended, or otherwise disciplined for making such report."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1548, Page 2, Section 105.935, Line 53, by inserting after all of said line the following:

"386.135. 1. The commission shall have an independent technical advisory staff of up to six full-time employees. The advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner shall also have the authority to retain one personal advisor, who shall be deemed a member of the technical advisory staff. The personal advisors will serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only hire technical advisory staff pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such technical

advisory staff on a cost-neutral basis. Such technical advisory staff shall be hired on or before July 1, 2005.

4. It shall be the duty of the technical advisory staff to render advice and assistance to the commissioners and the commission's [hearing officers] **administrative law judges** on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission.

5. The technical advisory staff shall also update the commission and the commission's [hearing officers] **administrative law judges** periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.

7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member.

8. The technical advisory staff shall never be a party to any case before the commission."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn moved that **SCS** for **HB 1548**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **HB 1548**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland	Dolan	Quick--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1403**, with **SCS**, entitled:

An Act to repeal sections 316.203, 316.204, 316.210, 316.218, 316.230, 316.233, and 701.377, RSMo, and to enact in lieu thereof ten new sections relating to amusement rides, with penalty provisions for certain sections and an effective date.

Was taken up by Senator Vogel.

SCS for **HCS** for **HB 1403**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1403An Act to repeal sections 316.203, 316.204, 316.210, 316.218, 316.230, 316.233, and 701.377, RSMo, and to enact in lieu thereof nine new sections relating to amusement rides, with penalty provisions for certain sections, and an effective date.

Was taken up.

Senator Vogel moved that **SCS** for **HCS** for **HB 1403** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **HCS** for **HB 1403** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senator Mathewson--1			
Absent--Senators			
Dolan	Kinder--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 1150**, with **SCS**, introduced by Representative May, entitled:

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-two new sections relating to ethics, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Scott.

SCS for **HS** for **HCS** for **HB 1150**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1150 An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.031, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-three new sections relating to ethics, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HB 1150** be adopted.

Senator Scott offered **SS** for **SCS** for **HS** for **HCS** for **HB 1150**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1150

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.955, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.031, 130.036, 130.041, 130.046, 130.049, 130.050, 130.054, and 130.057, RSMo, and to enact in lieu thereof twenty-five new sections relating to ethics, with penalty provisions.

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1150** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Page 87, Section 130.046, Line 7, by inserting after the word "quarter" the following: "**except that any report due on April 15th shall be considered filed timely up to the 22nd day of April**".

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Pages 19-31, Section 105.955, by deleting all of said section; and

Further amend title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Clemens offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Page 75, Section 130.031, Line 5, by inserting after "office," the following: "**hires a professional direct mail company to mail documents regarding any candidate for public office,**"; and further amend line 9 of said page, by inserting after the word "station," the following: "**direct mail company,**"; and further amend line 12 of said page, by inserting after "run" the following: "**or the direct mail documents are being mailed**"; and further amend line 15 of said page, by inserting after "the" the following: "**direct mail company or**"; and further amend line 16 of said page, by inserting after "time," the following: "**direct mail,**"; and further amend line 25 of said page, by inserting after "time," the following: "**direct mail service,**"; and further amend line 28 of said page, by inserting after "broadcaster," the following: "**direct mail company,**"; and

Further amend said bill, page 76, line 26 by inserting after all of said line the following:

"16. Notwithstanding the provisions of section 130.081, RSMo to the contrary, any individual who violates the provisions of subsections 10 to 12 of this section within seventy-two hours before either a primary or general election day shall be guilty of a class A misdemeanor."; and further renumber the remaining subdivisions accordingly.

Senator Clemens moved that the above amendment be adopted.

At the request of Senator Clemens, **SA 3** was withdrawn.

Senator Shields assumed the Chair.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Page 33, Section 105.957, Line 10, by inserting after the word "requirements." the following: "**For any complaint filed within fourteen days of a primary or general election,**"; and

Further amend lines 19 to 24, by striking all of said lines and inserting in lieu thereof the following: "**Complaint was based, filed without just cause, shall be reported to appropriate law enforcement authorities for further proceedings.**"; and

Further amend said section, page 34, lines 7-8, by striking the words "or a term of imprisonment not to exceed one year, or both"; and further amend lines 20-21, by striking the words "or a term of imprisonment not to exceed one year, or both the fine and imprisonment"; and further renumber the remaining subdivisions accordingly; and

Further amend page 43, section 105.961, lines 3-8, by striking all of said lines and inserting in lieu thereof the following: "complaint without just cause, this finding shall be reported to"; and further amend lines 13-14, by striking the words "or a term of imprisonment not to exceed one year, or both"; and

Further amend page 98, section 130.054, line 19, by inserting after the word "complaint" the following: "**is filed within fourteen days of a primary or general election and**"; and further amend page 100, line 4, by inserting after the word "requirements." the following: "**For any complaint filed within fourteen days of a primary or general election,**"; and further amend lines 12 to 17, by striking all of said lines and inserting in lieu thereof the following: "**Such complaint was based, filed without just cause, shall be reported to appropriate law enforcement authorities for further proceedings.**"; and further amend line 29, by striking the words "or a term of imprisonment not"; and

Further amend said section, page 101, line 1, by striking the words "to exceed one year, or both"; and further amend

lines 13-14, by striking the words "or a term of imprisonment not to exceed one year, or both the fine and imprisonment"; and further renumber the remaining subdivisions accordingly; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Scott, **HS** for **HCS** for **HB 1150**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

President Maxwell assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 1394**, entitled:

An Act to repeal sections 32.087, 94.270, 100.710, 135.481, 135.750, 137.100, 137.101, 137.115, 137.298, 137.505, 143.081, 143.121, 143.431, 143.782, 144.025, 144.030, 144.083, 144.615, 301.025, and 644.032, RSMo, section 100.850, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850, RSMo, as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof twenty-four new sections relating to taxation, with an effective date for certain sections and with an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 8 and 9.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 10, Section 32.087, Line 8, by inserting after all of said line the following:

"64.930. 1. The county sports complex authority shall consist of five commissioners who shall be qualified voters of the state of Missouri, and residents of such county. The commissioners of the county commission by a majority vote thereof shall submit a panel of nine names to the governor who shall select with the advice and consent of the senate five commissioners from such panel, no more than three of which shall be of any one political party, who shall constitute the members of such authority; provided, however, that no elective or appointed official of any political subdivision of the state of Missouri shall be a member of the county sports complex authority.

2. The authority shall elect from its number a chairman and may appoint such officers and employees as it may require for the performance of its duties and fix and determine their qualifications, duties and compensation. No action of the authority shall be binding unless taken at a meeting at which at least three members are present and unless a majority of the members present at such meeting shall vote in favor thereof.

3. Such sports complex commissioners shall serve in the following manner: One for two years, one for three years, one for four years, one for five years, and one for six years. Successors shall hold office for terms of five years, or for the unexpired terms of their predecessors. [Each sports complex commissioner shall hold office until his successor has been appointed and qualified.]

4. In the event a vacancy exists a new panel of three names shall be submitted by majority vote of the county commission to the governor for appointment. All such vacancies shall be filled within thirty days from the date thereof. **If the county commission has not submitted a panel of three names to the governor within thirty days of the expiration of a commissioner's term, the governor shall immediately make an appointment to the**

commission with the advice and consent of the senate. In the event the governor does not appoint a replacement, no commissioner shall continue to serve beyond the expiration of that commissioner's term.

5. The compensation of the sports complex commissioners to be paid by the authority shall be determined by the sports complex commissioners, but in no event shall exceed the sum of three thousand dollars per annum. In addition, the sports complex commissioners shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties. **No commissioner shall continue to serve beyond the expiration of that commissioner's term.**

64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out

of the general funds of the authority, including **any contributed funds and any** rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which **contributed funds**, rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation **by the authority**. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of **contributions and of** rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

64.952. The Kansas and Missouri Metropolitan Kansas City Sports Complex Authority Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:

KANSAS AND MISSOURI

METROPOLITAN KANSAS CITY
SPORTS COMPLEX AUTHORITY COMPACT

ARTICLE I. AGREEMENT AND PLEDGE

The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the conversion of the Jackson County Sports Complex Authority into the Metropolitan Kansas City Sports Complex Authority should the former become a recipient of contributions from a bistate retail sales tax levied by the Metropolitan Culture District heretofore established pursuant to a compact of said states.

ARTICLE II. PURPOSE

The party states, having heretofore entered into a compact authorizing the creation of a Metropolitan Culture District that may make contributions from a bistate retail sales tax levied by the District for or in aid of cultural facilities, including those operated or used for sports, in counties which are part of the District, and desiring to provide Kansas counties in which such tax is levied a governance and oversight role should contributions from such tax be made for or in aid of the sports stadium facilities owned and operated by the Jackson County Sports Complex Authority, the purpose of this compact is to provide such a governance and oversight role.

ARTICLE III. CONVERSION

If the Jackson County Sports Complex Authority becomes a recipient of contributions to be made by the Kansas and Missouri Metropolitan Culture District created pursuant to section 70.500, RSMo, from a bistate retail sales tax levied by such District in at least Johnson County, Kansas and Jackson County, Missouri for the purposes of planning, constructing, equipping, repairing, extending or improving sports stadium facilities then owned and operated by the Authority or for the payment of principal of or interest on bonds or notes to be issued by the Authority for such purposes, the Authority shall, effective upon the later of (i) the first day of the calendar quarter following the authorization of the levy of such tax in both Johnson County, Kansas and Jackson County, Missouri or (ii) the effective date of this compact pursuant to Article VI, become the Metropolitan Kansas City Sports Complex Authority, and the Jackson County Legislature and Executive shall issue such orders and make such filings in the offices of the governor of Missouri, the secretary of state of Missouri and elsewhere as may be necessary or appropriate to evidence such name change and the other changes made by this compact.

ARTICLE IV. THE AUTHORITY; POWERS; COMMISSIONERS

The Metropolitan Kansas City Sports Complex Authority shall continue to be a body corporate and politic and a political subdivision of the state of Missouri and shall be governed by, have all the powers provided in, and be subject to all of the provisions of sections 64.920 to 64.950, and other applicable Missouri law in effect upon the effective date of this compact that are not inconsistent with this compact. Those individuals currently serving unexpired terms as a commissioner of the County Sports Complex Authority at the enactment of this compact shall serve as a Missouri commissioner of the Kansas and Missouri Metropolitan Kansas City Sports Complex Authority for the full duration of his or her term as established by 64.930, RSMo. Thereafter, the five Missouri commissioners to the authority pursuant to 64.930, RSMo, shall be chosen as provided therein. In addition, however, to those commissioners, there shall be appointed to the Metropolitan Kansas City Sports Complex Authority one commissioner from each county in which such bistate retail sales tax is levied having a population less than three hundred thousand and two commissioners from each such county (other than Jackson County, Missouri) having a population greater than three hundred thousand, provided that there shall be three commissioners from Johnson County, Kansas if such bistate retail sales tax is not levied in any other county in Kansas. Each additional commissioner shall be appointed by the governing body of the county for which such commissioner is appointed, shall be a qualified voter and a resident of such county, shall not be an elected or appointed official of such county, any political subdivision or state, shall hold office for a term of five years or the unexpired term of any predecessor, and shall be compensated and reimbursed as provided in subsection 5 of

section 64.930. No commissioner shall continue to serve beyond the expiration of that commissioner's term. Any vacancy that exists with respect to an additional commissioner shall be filled in the same manner and within thirty days from the date thereof. No action of the Metropolitan Kansas City Sports Complex Authority shall be binding unless taken at a meeting of which at least a majority of commissioners are present and unless a majority of the commissioners present at such meeting shall vote in favor thereof.

ARTICLE V. EXISTENCE

A Metropolitan Kansas City Sports Complex Authority created pursuant to this compact shall exist for as long as any sports stadium facilities constructed, equipped, repaired, extended or improved with contributions from the bistate retail sales tax are owned by it or any bonds or notes issued by it, the principal of or interest on which is paid from such contributions, are outstanding.

ARTICLE VI. EFFECTIVE DATE; AMENDMENT; TERMINATION

This compact shall enter into force and become effective and binding upon the states of Kansas and Missouri upon its enactment by the legislatures of the respective states. Amendments to this compact shall become effective upon enactment by the legislatures of the respective states. This compact shall continue in force and remain binding upon each of the party states until a legislature of a party state shall have entered a statute repealing it and sent formal written notice of such enactment to the legislature of the other party state."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 144.030, Page 75, Line 21, by striking the word, "solely"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 12, Section 94.270, Lines 9 and 10 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"motels in an amount in excess of twenty-seven dollars per room per year. No hotel or motel in such city shall be"; and

Further amend said bill, Page 12, Section 94.270, Line 21 of said page, by inserting immediately after the word **"dollars"** the following: **"and fifty cents"**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 137.505, Page 54, Line 12, by inserting after said line the following:

"139.054. 1. The governing authority of any county with a charter form of government and with more than one million inhabitants and a first class county with a charter form of government with a population over two hundred fifty thousand that adjoins a first class county with a charter form of government with a population over nine hundred thousand may allow, by order or ordinance, for the prepayment of all or any part of current real property taxes in equal quarterly installments over a period of time not greater than one year. The county collector shall issue receipts for any installment payments made.

2. The order or ordinance shall provide the method by which the amount of real property taxes owed for the

current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. Any amounts paid in excess of the real property tax owed for such year shall be a credit against the taxpayer's real property taxes due in the following year. The county collector shall provide notice to the taxpayer of any adjustment to the quarterly payments authorized in this section.

3. Any delinquent real property taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to fees as provided by law. The prepayments authorized by this section shall be exempt from any penalty or interest provisions provided by law.

4. Installment payments made at any time during a tax year shall not affect the taxpayer's right to protest the amount of such tax payments under applicable provisions of law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 27, Section 135.481, Line 23, by inserting before said line, all of the following:

"135.207. 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state-designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(4) In addition to all other satellite zones authorized in this section, any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants, which includes an existing state- designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(5) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants, which includes an existing state-designated enterprise zone within the corporate limits of the city, may, upon approval of the local governing authority of the city and director of the department of economic development, designate a satellite zone within its corporate limits along the southwest corner of any intersection of two United States interstate highways. A prerequisite for the designation of a satellite zone pursuant to this subdivision shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of such city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(6) In addition to all other satellite zones authorized in this section, any home rule city with more than one hundred fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred inhabitants which includes an existing state-designated enterprise zone within the corporate limits of the city may, upon approval of the governing authority of the city and the director of the department of economic development, designate one satellite zone within its corporate limits. No satellite zone shall be designated pursuant to this subdivision until the governing authority of the city submits a plan describing how the satellite zone corresponds to the city's overall enterprise zone strategy and the director approves the plan.

(7) In addition to all other satellite zones authorized in this section, any city of the fourth classification with more than three thousand eight hundred but less than four thousand inhabitants and located in more than one county and which lies adjacent to any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants and which contains an enterprise zone may, upon approval of the director and the governing authorities of the city of the fourth classification and the home rule city, designate one satellite zone within its corporate limits. The satellite enterprise zone authorized by this subsection shall be designated only if it meets the criteria established by subsection 2 of this section. Retail businesses, as identified by the 1997 North American Industry Classification System (NAICS) sector numbers 44 to 45, located within the satellite enterprise zone shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.258.

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state-designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to [135.255] **135.258**.

135.208. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class

which is south of the Missouri River and which adjoins one county of the second class and also the state of Oklahoma. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

2. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in any county of the third class which borders the Missouri River and which adjoins a county of the second class with a population of at least one hundred thousand inhabitants and which contains a branch of the state university. Such designation shall only be made if the area of the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

3. In addition to the number of enterprise zones authorized under the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in every county of the third class without a township form of government with a population of more than seven thousand eight hundred but less than ten thousand inhabitants located south of the Missouri River, which adjoins one third class county with a township form of government, and which adjoins no first or second class county. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

4. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the third class with a population of more than eight thousand but less than ten thousand located in a county of the third classification with a township form of government with a population of more than twenty thousand but less than twenty-two thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

5. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any city with a home rule form of government and a population of at least one hundred ten thousand inhabitants but not more than one hundred thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

6. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of the first classification without a charter form of government with a population of less than thirty thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

7. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone in a city of the fourth classification with a population of at least three thousand but less than four thousand inhabitants located in a county of the second classification with a population of at least twenty thousand but not more than twenty-five thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.

8. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210, 135.256 and 135.257, the department of economic development shall designate one such zone for any area that includes property in two adjoining counties where one county is a county of the third classification without a township form of government with a population of less than sixteen thousand three hundred and more than sixteen thousand inhabitants and the other county is a county of the first classification having a population of at least one hundred seventy-one thousand but less than one hundred seventy-two thousand inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205.

9. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than four thousand located in a county of the third classification with a township form of

government and with a population of less than thirteen thousand. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

10. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a city of the fourth class with a population of more than two thousand nine hundred located in a county of the third classification without a township form of government with a population of less than twelve thousand and more than eleven thousand seven hundred inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

11. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone in a county of the third classification without a township form of government with a population of less than twenty-four thousand five hundred and more than twenty-four thousand inhabitants. Such enterprise zone designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

12. In addition to the number of enterprise zones authorized in this chapter, the department of economic development shall designate one such zone for any city of the fourth classification with more than three thousand eight hundred but less than four thousand inhabitants and located in more than one county. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205.

135.209. 1. Any city in which an enterprise zone is designated pursuant to subsection 5 **or subsection 12** of section 135.208 may, upon approval of the local governing authority of the city and the director of the department of economic development, designate one satellite enterprise zone within its corporate limits. A prerequisite for the designation of the satellite zone shall be the approval by the director of the department of economic development of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

2. The satellite enterprise zone authorized by this section shall be designated only if it meets the criteria established by subdivisions (1) to (4) of subsection 2 of section 135.207. Retail businesses, as identified by the 1997 North American Industry Classification System (NAICS) sector numbers 44 to 45, located within the satellite enterprise zone shall be eligible for all benefits provided pursuant to the provisions of sections 135.200 to 135.258.

135.214. 1. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one enterprise zone that shall be located partially in any city of the fourth classification with more than twelve thousand one hundred but less than twelve thousand four hundred inhabitants and partially in any city of the fourth classification with more than nine thousand six hundred but less than nine thousand seven hundred inhabitants and shall include all area in between any city of the fourth classification with more than twelve thousand one hundred but less than twelve thousand four hundred inhabitants and any city of the fourth classification with more than nine thousand six hundred but less than nine thousand seven hundred inhabitants with specific boundaries to be determined by the department of economic development in conjunction with the governing authority of the county. Such enterprise zone designation shall only be made if the area that is to be included in the enterprise zone meets all the requirements of section 135.205.

2. Notwithstanding the provisions of section 135.230, to the contrary, any enterprise zone designated in any county of the third classification with a township form of government and with more than thirteen thousand seven hundred but less than thirteen thousand eight hundred inhabitants or designated in any county of the third classification without a township form of government and with more than fifteen thousand seven hundred but less than fifteen thousand eight hundred inhabitants shall not expire before December 31, 2015.

3. In addition to the number of enterprise zones authorized by the provisions of sections 135.200 to 135.270, the department of economic development shall designate one such zone in every county of the third classification

without a township form of government and with more than six thousand seven hundred fifty but less than six thousand eight hundred fifty inhabitants. Such designation shall only be made if the area in the county which is to be included in the enterprise zone meets all the requirements of section 135.205.

135.216. In addition to any other enterprise zones authorized in this chapter, the department of economic development shall designate one enterprise zone within any county of the third classification without a township form of government and with more than thirty-one thousand but less than thirty-one thousand one hundred inhabitants. Such enterprise zone designation shall only be made if the area that is to be included in the enterprise zone meets all the requirements of section 135.205.

135.261. In addition to all other enterprise zones authorized in this chapter, the department of economic development shall designate one such zone in any county of the third classification without a township form of government and with more than thirty-two thousand five hundred but less than thirty-two thousand six hundred inhabitants. Such enterprise zone designation shall only be made if such area which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 135.751, Page 29, Line 24 by deleting the words, "**1. As used in this section, the following terms**"; and

Further amend said bill, Section 135.751, Pages 30 to 36, by deleting all of said pages; and

Further amend said bill, Section 135.751, Page 37, Lines 1 to 13, by deleting all of said lines; and

Further amend said bill, Section 135.751, Page 37, Line 14, by deleting "8."; and

Further amend said bill, Section 135.750, Pages 97 to 99, by deleting all of said section; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Section 137.751, Page 29, Line 24, before said line, by inserting the following:

"135.750 1. Beginning January 1, 1999, a taxpayer shall be granted a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, or chapter 148, RSMo, for up to fifty percent of the amount of investment in production or production-related activities in a qualified film production project. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441, 143.471, RSMo, or section 148.370, RSMo, and the term "qualified film production project" means any film production project with an expected in-state expenditure budget in excess of [three hundred thousand] **one million** dollars. Each film production company shall be limited to one qualified film production project per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

2. Taxpayers shall apply for the film production tax credit by submitting an application to the department of economic development, on a form provided by the department. As part of the application, the expected in-state expenditures of the qualified film production project shall be documented. In addition, the application shall include an economic impact statement, showing the economic impact from the activities of the film production project. Such economic impact statement shall indicate the impact on the region of the state in which the film production or production-related activities are located and on the state as a whole.

3. Tax credits certified pursuant to subsection 1 of this section shall not exceed five hundred thousand dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of [one] **three** million dollars per year. **Any unused amount of the cap shall rollover to the next year.** Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

4. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 1 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, or chapter 148, RSMo. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 1394, Page 13, Section 94.270, Line 1, by inserting after all of said line the following:

"94.839. 1. The governing body of any city of the fourth classification with more than four thousand eight hundred but less than four thousand nine hundred inhabitants and located in any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof. The tax shall be not more than five percent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism. The order or ordinance shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax under this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent, solely for the purpose of promoting tourism?

[] YES [] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. Any tax imposed under this section shall be administered, collected, enforced, and operated by the governing body of the city adopting the tax. All revenue generated by the tax shall be deposited in a special trust fund and shall be used solely for the designated purposes. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures may be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any city that has adopted the tax authorized in this section may submit the question of

repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall (insert the name of the city) repeal the tax imposed at a rate of (insert rate of percent) percent for the purpose of promoting tourism?

[] YES [] NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HCS** for **HB 1182** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

HOUSE BILLS ON THIRD READING

HB 869, introduced by Representative Townley, et al, entitled:

An Act to repeal sections 340.200, 340.246, 340.262, 340.306, 340.312, and 340.320, RSMo, and to enact in lieu thereof eight new sections relating to veterinarians.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 869** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer

Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Callahan	Caskey

Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32

NAYS--Senator Bray--1

Absent--Senator Clemens--1

Absent with leave--Senators--None

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1449**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto two new sections relating to special license plates.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HCS** for **HB 1449** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 841, with **SCS**, introduced by Representative Angst, entitled:

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to containers on watercraft, with a penalty provision.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 841**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 841 An Act to amend chapter 306, RSMo, by adding thereto one new section relating to containers on watercraft, with a penalty provision.

Was taken up.

Senator Steelman moved that **SCS** for **HB 841** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 841, Page 1, Section A, Line 2, by inserting after all of said line the following:

- "306.114. 1. No person convicted of or pleading guilty to a violation of section 306.111 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on probation for a minimum of two years and a record of the conviction or plea of guilty is entered into the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol.
2. Chemical tests of a person's blood, breath, or saliva to be considered valid under the provisions of sections 306.111 to 306.119 shall be performed according to methods and devices approved by the department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the department of health and senior services for this purpose. **In addition, any state, county, or municipal law enforcement officer who is certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a portable chemical test to any person suspected of operating any vessel in violation of section 306.111 or 306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 306.116 shall not apply to a test administered prior to arrest pursuant to this section.**
3. The department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections 306.111 to 306.119, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination, suspension or revocation by the department of health and senior services.
4. A licensed physician, registered nurse, or trained medical technician, acting at the request and direction of a law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless the medical personnel, in the exercise of good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test or a saliva specimen. In withdrawing blood for the purpose of determining the alcohol content in the blood, only a previously unused and sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing the skin prior to a venapuncture. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him.
5. No person who administers any test pursuant to the provisions of sections 306.111 to 306.119 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated, shall be civilly liable for damages to the person tested, except for negligence in administering of the test or for willful and wanton acts or omissions.

6. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusing to take a test as provided in sections 306.111 to 306.119 shall be deemed not to have withdrawn the consent provided by section 306.116 and the test or tests may be administered."; and

Further amend the title and enacting clause accordingly., which motion prevailed.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 841, Page 1, Section 306.325, Line 13, by deleting from said line the word "other" and inserting in lieu thereof the word "**similar**"; and

Further amend same page, same section, line 17, by deleting the words "such container" and inserting in lieu thereof the words "**a cooler, icebox, or similar nonglass container**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SCS** for **HB 841**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HB 841**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Steelman
Stoll	Wheeler	Yeckel--31	

NAYS--Senators

Bartle	Shields--2
	Absent--Senator Vogel--1
	Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Klindt moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 1182**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **HCS** for **HB 980**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS** for **HB 980** was taken up.

At the request of Senator Klindt, the above substitute bill was withdrawn.

Senator Klindt offered **SS No. 2** for **HCS** for **HB 980**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 980

An Act to amend chapter 640, RSMo, by adding thereto three new sections relating to environmental regulation.

Senator Klindt moved that **SS No. 2** for **HCS** for **HB 980** be adopted.

Senator Klindt offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 980, Page 6, Section 1, Line 25, by striking the word "and" and replacing in lieu thereof the following: "**an**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 980, Page 2, Section 640.015, Line 27 of said page, by striking the comma "," after the word "rule" and inserting in lieu thereof a semicolon ";"; and further amend line 28 of said page, by striking said line.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Dolan offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 980, Page 1, Section A, Line 3, by inserting after all of said line the following:

"84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that probationary patrolmen shall serve at least six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, [not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary,] for the appointment, employment,

uniforming, discipline, trial and government of the police. [The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge] **Effective January 1, 2005, all existing and future rules and regulations promulgated under the provisions of this section shall be promulgated under the provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.**"; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Klindt raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Dolan, **SA 3** was withdrawn, rendering the point of order moot.

At the request of Senator Klindt, **HCS** for **HB 980**, with **SS No. 2**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, as amended. Representatives Baker, Cunningham (86), Wallace, Wildberger and Davis (122).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SB 758**. Representatives Nieves, Cooper (120), Sutherland, Corcoran and Villa.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, as amended. Representatives Goodman, Schlottach, Wright, Harris (23) and LeVota.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1182**, as amended: Senators Klindt, Cauthorn, Scott, Bray and Mathewson.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HCS for HB 1278, with SCS, entitled:

An Act to repeal sections 374.160, 375.001, 375.246, 375.772, 375.773, 375.774, 375.775, 375.776, 375.778, 375.779, 375.1220, 376.421, 376.424, 376.426, 376.816, 376.960, 376.961, 376.966, 376.975, 376.980, 376.986, 379.110, 379.815, 379.825, 379.930, 379.938, 379.940, 379.942, 379.943, 379.952, 382.210, 384.043, 384.062, 384.065, 407.730, and 407.735, RSMo, and to enact in lieu thereof forty-four new sections relating to insurance, with an effective date.

Was called from the Informal Calendar and taken up by Senator Loudon.

SCS for HCS for HB 1278, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1278An Act to repeal sections 376.421, 376.424, 376.426, 376.816, 379.930, 379.938, 379.940, 379.942, 379.943, and 379.952, RSMo, and to enact in lieu thereof seventeen new sections relating to health insurance, with an effective date.

Was taken up.

Senator Loudon moved that **SCS for HCS for HB 1278** be adopted.

Senator Loudon offered **SS for SCS for HCS for HB 1278**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1278

An Act to repeal sections 376.421, 376.424, 376.426, 376.816, 379.930, 379.938, 379.940, 379.942, 379.943, and 379.952, RSMo, and to enact in lieu thereof sixteen new sections relating to health insurance, with an effective date.

Senator Loudon moved that **SS for SCS for HCS for HB 1278** be adopted.

Senator Steelman offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1278, Page 74, Section 379.952, Line 16, by inserting after all of said line the following:

"538.210. 1. **In order to reduce medical malpractice insurance premiums paid by health care providers**, in any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than [three] **four** hundred [fifty] thousand dollars [per occurrence] for noneconomic damages [from any one defendant as defendant is defined in subsection 2 of this section] **irrespective of the number of defendants**.

2. ["Defendant" for purposes of sections 538.205 to 538.230 shall be defined as:

(1) A hospital as defined in chapter 197, RSMo, and its employees and physician employees who are insured under the

hospital's professional liability insurance policy or the hospital's self-insurance maintained for professional liability purposes;

(2) A physician, including his nonphysician employees who are insured under the physician's professional liability insurance or under the physician's self-insurance maintained for professional liability purposes;

(3) Any other health care provider having the legal capacity to sue and be sued and who is not included in subdivisions (1) and (2) of this subsection, including employees of any health care providers who are insured under the health care provider's professional liability insurance policy or self-insurance maintained for professional liability purposes.]

3. No hospital or other health care provider shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of that hospital or other health care provider.

[3.] **4.** In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

[4.] **5. Beginning on August 28, 2004,** the limitation on awards for noneconomic damages provided for in this section shall be increased or decreased on an annual basis effective January first of each year in accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the limitation shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo.

[5.] **6.** Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a showing by a plaintiff that the health care provider demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 1** is out of order as it is not germane and goes beyond the scope and purpose of the bill.

Senator Bartle assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Loudon offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1278, Page 1, Section 376.381, Lines 7-8, by striking the phrase: "health carrier, as defined in section 376.1350", and inserting in lieu thereof "health maintenance organization, as defined in section 354.400."; and

Further amend said bill, lines 9-10, by striking the language ", coinsurance, coinsurance differentials,"; and

Further amend said bill, line 11, by inserting after the word "holder" the following: "Copayments shall be stated as either a percentage as a percentage or as a specific dollar amount in the evidence of coverage."; and

Further amend page 2, section 376.381, line 8, by deleting the word "that" in said line; and further amend said bill, line 13, by changing the term "by" to "be".

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, **HCS** for **HB 1278**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS**, as amended, for **HS** for **HCS** for **HB 1453** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, and grant the House a conference thereon, which motion prevailed.

President Maxwell assumed the Chair.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended: Senators Shields, Champion, Steelman, Dougherty and Wheeler.

HOUSE BILLS ON THIRD READING

Senator Steelman moved that **HS** for **HCS** for **HJR**s **39, 38, 42** and **47**, with **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

Senator Bray offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to House Substitute for House Committee Substitute for House Joint Resolutions Nos. 39, 38, 42 and 47, Page 1, Section 33, Lines 1-5, by striking all of said lines and inserting in lieu thereof the following: "Marriage is a liberty interest which all citizens of this state shall have the right to enjoy."

Senator Bray moved that the above amendment be adopted.

At the request of Senator Steelman, **HS** for **HCS** for **HJR**s **39, 38, 42** and **47**, with **SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 1182**, as amended. Representatives: Munzlinger, Guest, Hobbs, Shoemyer and Henke.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS SCS** for **HS** for **HCS** for **HB 1453**, as amended. Representatives: Hanaway, Stevenson, Wright, Bishop and Wilson (25).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SS** for **SCS** for **SB 1122**, entitled:

An Act to repeal sections 209.321, 209.322, 209.323, 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 328.080, 332.051, 332.071, 332.081, 332.086, 332.111, 332.121, 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.016, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 338.013, 338.055, 338.065, 338.220, 345.015, 346.135, 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 374.765, 436.200, 436.205, 436.209, 436.212, 620.127, and 620.145, RSMo, and to enact in lieu thereof one hundred two new sections relating to professional licensing, with penalty provisions, with an effective date.

With House Amendments Nos. 1 and 6.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 3, Section 209.321, by deleting all of said section; and

Further amend said bill, by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1122, Page 86, Section 337.615, Line 24, by inserting after all of said line the following:

"337.642. No official, employee, board, commission, or agency of the state of Missouri, any county, any municipality, any school district, or any other political subdivision shall discriminate between persons licensed under section 337.600 to 337.689, when promulgating regulations or when requiring or recommending services that legally may be performed by persons licensed under sections 337.600 to 337.689."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**, as amended, for **HB 1548** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Yeckel moved that **SCS** for **SB 1365**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 1365**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1365

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

Was taken up.

Senator Yeckel moved that **HCS** for **SCS** for **SB 1365** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode	Mathewson	Quick--3
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Absent with leave--Senators--None

On motion of Senator Yeckel, **HCS** for **SCS** for **SB 1365** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode	Mathewson	Quick--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 884** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 884

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 884, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 884;
2. That the Senate recede from its position on Senate Bill No. 884;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 884, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ David H. Klindt
/s/ Matt Bartle
/s/ Michael R. Gibbons
/s/ Ken Jacob
/s/ Harold Caskey

FOR THE HOUSE:

/s/ Richard Byrd
/s/ Brad Lager
/s/ Brian Yates
/s/ Philip Willoughby
/s/ Michael Vogt

Senator Klindt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Goode	Kinder	Mathewson	Quick--4
Absent with leave--Senators--None			

On motion of Senator Klindt, **CCS** for **HCS** for **SB 884**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 884

An Act to amend chapter 3, RSMo, by adding thereto one new section relating to the duties of the reviser of statutes.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode	Mathewson	Quick--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that the Senate refuse to recede from its position on **SCS** for **HB 1548**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1548**, as amended: Senators Cauthorn, Klindt, Vogel, Caskey and Dougherty.

PRIVILEGED MOTIONS

Senator Vogel moved that the Senate refuse to concur in **HS** for **HCS** for **SB 1394**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1962, regarding Michael Lock, which was adopted.

Senator Yeckel offered Senate Resolution No. 1963, regarding Susan Y. Askew, which was adopted.

Senator Yeckel offered Senate Resolution No. 1964, regarding the Eightieth Birthday of Kenneth M. Wilhelms, Grantwood Village, which was adopted.

Senator Scott offered Senate Resolution No. 1965, regarding the Honorable Ralph Pitts, Golden City, which was adopted.

Senator Scott offered Senate Resolution No. 1966, regarding Suzanne Bush, Clinton, which was adopted.

Senator Bray offered Senate Resolution No. 1967, regarding Wynn Miller, Webster Groves, which was adopted.

Senator Champion offered Senate Resolution No. 1968, regarding Andrew Cotton, Springfield, which was adopted.

Senator Clemens offered Senate Resolution No. 1969, regarding Matthew Helfer, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Nancy Lieberman, Clayton.

Senator Klindt introduced to the Senate, Ashlee, Bobbie and Alan Karguth, Helena.

Senator Dougherty introduced to the Senate, Roberta Goldfeder and Charla Gray, and Eleanore Arden-Joly, Elizabeth Boyle, Anne-Marie Di Bisceglie, Chase Dribben, Ian Fletcher, Clayton Gwinnup, Andrea Herman, Meredith Hermann, Jimmy Hildreth, Katherine Kirchoff, Madeline Kirschner, Nora Kovacs, Alex Listrom, Rachel McAllister, Margaret Mulligan, Mia Owens, Claire Pfeifer, Madison Qualy, David Rhodes, Jacqueline Schechter, Samantha Garner Scherrer, Elan Shatoff, Miltiades "Milti" Symeonoglou, fourth

grade students from Wilson School, St. Louis.

On motion of Senator Gibbons, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTY-FIRST DAY-THURSDAY, MAY 13, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-

Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

1. HS for HB 1339-Cunningham (86) (Loudon)

2. HCS for HB 1099 (Shields)

3. HS for HCS for HB 852-Holand, with SCS
(Champion)

4. HCS for HB 1509 (Shields)

5. HCS for HB 855, with SCS (Steelman)
(In Fiscal Oversight)

6. HCS for HB 1118, with SCS (Dolan)

7. HB 1504-Lipke and Crowell (Dolan)

8. HB 1109-Crawford, et al (Cauthorn)

9. HCS for HB 1152 (Nodler)

10. HB 1160-Parker, et al, with SCS (Steelman)

11. HB 844-Mayer, et al (Loudon)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS & SS for SCS

(pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 &

SSA 1 for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS & SA 2

(pending)

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2

(pending)

SB 906-Foster, with SCS, SS for SCS & SA 2

(pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order

(pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 898, with SCS (Shields)

SS for SCS for HCS for HBs 946, 1106 & 952

(Dolan) (In Fiscal Oversight)

HCS for HB 955 (Yeckel)

HB 956-May (149) (Steelman)

HB 969-Cooper, et al (Bartle)

(In Fiscal Oversight)

HCS for HB 980, with SS#2 (pending) (Klindt)

HCS for HBs 1098 & 949 (Childers)

HS for HCS for HB 1150-May, with SCS &

SS for SCS (pending) (Scott)

HS for HCS for HB 1195-Behnen, with SCS

(Yeckel)

HCS for HB 1209 (Kinder)

HCS for HB 1277, with SCS (Steelman)

HCS for HB 1278, with SCS, SS for SCS &

SA 2 (pending) (Loudon)

HCS for HBs 1286 & 1175, with SCS

(Griesheimer)

HS for HB 1409-Dempsey, with SCS, SS

for SCS, SA 9, SSA 1 for SA 9 & SA 1

to SSA 1 for SA 9 (pending) (Mathewson)

HCS for HB 1439 (Dolan)

HB 1493-Emery, et al, with SCS & SA 3

(pending) (Steelman)

HS for HCS for HB 1566-Stefanick, with

SCS, SS for SCS, SS for SS for SCS,

SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)

HB 1665-Hanaway, et al, with SCS (Scott)

HS for HCS for HJR's 39, 38, 42 & 47-

Engler, with SA 2, SSA 1 for SA 2 &

SA 1 to SSA 1 for SA 2 (pending) (Steelman)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/14

HB 1572-St. Onge, et al (Loudon)

HB 884-Ward (Loudon)

Reported 4/15

HCS for HB 912 (Goode)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SS for SCS for SB 1122-Shields,

with HS for HCS, as amended

SCS for SB 1269-Yeckel, with HS for HCS,

as amended

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

SCS for SB 758-Griesheimer, with HCS

SCS#2 for SB 762-Champion, with HS for
HCS, as amended

SB 884-Klindt, with HCS (Senate adopted
CCR and passed CCS)

SB 932-Loudon, with HS, as amended

SS for SCS for SB 968 & SCS for SB 969-
Shields, with HS for HCS, as amended

SCS for SBs 1020, 889 & 869-Steelman,
et al, with HS for HCS, as amended

SS for SCS for SB 1081-Kinder, et al,
with HS for HCS, as amended (Senate
adopted CCR and passed CCS)

SCS for SB 1106-Shields, with HCS
(Senate adopted CCR and passed CCS)

HCS for HBs 795, 972, 1128 & 1161, with
SS for SCS, as amended (Childers)

HCS for HB 959, with SCS, as amended (Yeckel)

HS for HCS for HB 978-Baker, with SS,
as amended (Yeckel)

HCS for HB 1055, with SS, as amended (Vogel)

HCS for HB 1182, with SS for SCS,

as amended (Klindt)

HCS for HB 1288, with SS for SCS, as amended

(Griesheimer)

HCS for HB 1305, with SCS, as amended

(Scott) (House adopted CCR and

passed CCS)

HS for HCS for HB 1453-Hanaway, with SS

for SCS, as amended (Shields)

HS for HB 1487-Self, with SA 1, as amended &

SA 2 (Scott)

HB 1548-Crawford, with SCS, as amended

(Cauthorn)

HCS for HB 1617, with SSA 1 for SA 1 (Bartle)

Requests to Recede or Grant Conference

SB 1394-Vogel, with HS for HCS, as amended

(Senate requests House recede or

grant conference)

RESOLUTIONS

Reported from Committee

SCR 46-Gross

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY--THURSDAY, MAY 13, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Thou shalt no larger be than thy desire." (John Milton)

Merciful Father, the day begins and we are once again given the opportunity to seek a greater good and act boldly in a generous way that can produce what we truly desire from our work here. Bless us with a bold vision to accomplish grand things through our personal actions and our public service even now as we prepare to wrap up this session. In Your holy name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV, KMIZ-TV and the Columbia Missourian were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Shields offered Senate Resolution No. 1970, regarding Andrew Richard Bunge, St. Joseph, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1548**, as amended. Representatives: Deeken, Crawford, Byrd, Seigfreid and Walsh.

Also,

Mr. President: I am instructed to inform the Senate that the House has taken up and adopted **HCS** for **SS** for **SCS** for **SCR 36**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, underage drinking is an issue of concern to the citizens of our state; and

WHEREAS, research indicates teenagers and their parents are not well informed about the legal, social, and other consequences of underage drinking; and

WHEREAS, underage drinking may lead to social disruption, individual impairment and emotional maladjustment with tragic consequences:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby create a Joint Interim Committee on Underage Drinking; and

BE IT FURTHER RESOLVED that the joint interim committee shall study the current public and private efforts to combat underage drinking, evaluate their effectiveness, and make recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of eight members, of which four shall be members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; and four shall be members of the House of Representatives, of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader, with approval of the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the members of the joint interim committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2004, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS** for **HB 855**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 758** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 758

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 758;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 758, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John E. Griesheimer
/s/ Peter Kinder
/s/ Doyle Childers
/s/ Rita Heard Days
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Brian Nieves
/s/ Shannon Cooper
/s/ Mike Sutherland
/s/ Michael G. Corcoran
/s/ Thomas Villa

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senators--None			

On motion of Senator Griesheimer, **CCS** for **HCS** for **SCS** for **SB 758**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 758

An Act to repeal sections 67.1360, 67.2015, and 94.270, RSMo, and to enact in lieu thereof three new sections relating to local taxes, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for HB 1339 was placed on the Informal Calendar.

HCS for HB 1099, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to material recovery operations.

Was taken up by Senator Shields.

Senator Shields offered SS for HCS for HB 1099, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1099

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof twenty new sections relating to taxation.

Senator Shields moved that SS for HCS for HB 1099 be adopted.

At the request of Senator Shields, HCS for HB 1099, with SS (pending) was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Gibbons moved that SS for SCS for SCR 36, with HCS, be taken up for adoption, which motion prevailed.

HCS for SS for SCS for SCR 36 was taken up.

Senator Gibbons moved that HCS for SS for SCS for SCR 36 be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Scott--2		
	Absent with leave--Senators--None		

On motion of Senator Gibbons, SS for SCS for SCR 36, as amended by HCS, was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Scott--2		
	Absent with leave--Senators--None		

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 852**, with **SCS**, introduced by Representative Holand, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up by Senator Champion.

SCS for **HS** for **HCS** for **HB 852**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 852An Act to amend chapter 191, RSMo, by adding thereto one new section relating to administration of immunizations with mercury preservatives.

Was taken up.

Senator Champion moved that **SCS** for **HS** for **HCS** for **HB 852** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 852, Page 1, Section 191.235, Line 1, by deleting "April" and inserting "May" and on line 9, by deleting "April" and inserting "May" and on line 16, by deleting "April" and inserting "May".

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, **SA 1** was withdrawn.

At the request of Senator Champion, **HS** for **HCS** for **HB 852**, with **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Hal M. Agler, as a member of the State Committee for Social Workers;

Also,

Karen M. Graves, as a member of the Tourism Commission;

Also,

Stephen B. Hoven, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Dawn M. Fuller, as a member of the Child Abuse and Neglect Review Board;

Also,

Jeffrey N. Davis, as a member of the Public Service Commission;

Also,

Arvid E. West, Jr., as a member of the Missouri Veterans' Commission;

Also,

Joyce A. Mitchell, Ph.D. and Dawn Spellerberg Peck, as members of the Missouri Genetic Disease Advisory Committee;

Also,

Penny V. Hubbard, as a member of the Board of Probation and Parole;

Also,

Shirley Langley Hindman, Ph.D., as a member of the State Board of Education;

Also,

Bill M. Burch and John D. Starr, as members of the Missouri Development Finance Board;

Also,

Betty Cooper Hearnese, as a member of the Second State Capitol Commission;

Also,

Jeffrey W. Siria, Ph.D., as a member of the Advisory Committee on Lead Poisoning;

Also,

James P. Ford, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Ollie C. Fischer, D.M.D., as a member of the State Board of Health.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, entitled:

An Act to repeal sections 21.795, 67.1800, 67.1808, 67.1818, 137.298, 144.025, 226.030, 226.060, 301.010, 301.020, 301.025, 301.041, 301.069, 301.129, 301.130, 301.132, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221, 301.227, 301.280, 301.290, 301.444, 301.463, 301.469, 301.562, 301.566, 301.681, 301.2999, 301.3098, 302.130, 302.171, 302.173, 302.177, 302.181, 302.225, 302.230, 302.272, 302.302, 302.309, 302.700, 302.720, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.013, 304.035, 304.070, 304.155, 304.156, 304.157, 304.170, 304.190, 306.461, 306.530, 307.020, 307.040, 307.100, 307.400, 365.020, 365.080, 365.100, 390.020, 390.136, 390.340, 407.567, 407.730, 407.735, 408.140, 577.054, 577.080, 622.095, 622.618, and 700.320, RSMo, and to enact in lieu thereof one hundred twenty-nine new sections relating to motor vehicles, with penalty provisions, an effective date for certain sections and an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 9.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840, and 1043, Page 15, Section 67.1800, Lines 2 to 22 of said page, by deleting all of said lines and inserting the following: "**and premium sedans referred to collectively as taxicabs**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 1233, 840, & 1043, Page 22, Section 137.298, Line 18 of said page, by inserting after the word "**paid**." and before the word "**For**" the following: "**If the outstanding vehicle-related fees and fines are against a car that is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time the fees or fines are assessed, the rental or leasing company may rebut the presumption by providing the county governing body and county collector a copy of the rental or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing company shall not be charged for these fees or fines under this subsection unless prior written notice of the fees or fines have been given to that rental or leasing company by ordinary mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice.**"; and

Further amend said bill, Page 57, Section 301.025, Line 17 of said page, by inserting after the word "**registration**." and before the word "**For**" the following: "**If the vehicle-related fees and fines are assessed against a car that is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time the fees or fines are assessed, the rental or leasing company may rebut the presumption by providing the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county with a copy of the rental or lease agreement in effect at the time the fees or fines were assessed. A rental or leasing**

company shall not be charged for fees or fines under this subsection, nor shall the registration of a vehicle be suspended, unless prior written notice of the fees or fines has been given to that rental or leasing company by ordinary mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen days of receipt of such notice. Any notification to a rental or leasing company that is returned to the city not within a county or any home rule city with more than four hundred thousand inhabitants and located in more than one county by the post office shall not result in the notification to the director of revenue for suspension of a motor vehicle registration."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 30, Section 226.060, Line 14, by inserting immediately after said line the following:

226.092. The state highways and transportation commission is authorized, when considered by it to be in the public interest, to provide [as part compensation to the employee involved.] liability insurance covering the operation of [state-owned vehicles involved in the performance of operations of the] **all motor vehicles and equipment, including airplanes and boats, owned, leased, rented, or operated pursuant to commission authorization and used in the performance of official commission or department business.** The commission is authorized to provide such insurance coverage for [its employees] **all authorized operators, as determined by the commission,** and the commission's liability by a plan of self-insurance or by a plan partially self-insured and partially insured by a contract of insurance with an insurance **with an insurance company or by a plan fully insured by a contract of insurance** company as the commission deems to be in the public interest. If the commission provides for a plan of self-insurance or partial self-insurance, it shall annually determine the amount of contribution to the plan required to pay all accrued and anticipated claims and the cost of administering the plan and shall include such amount in its budget request for contribution to the [highways and transportation commission automobile liability insurance] **commission's self-insurance** plan. The commission may contract for the services of such actuaries, consultants, and claims administrators as it deems necessary for the effective administration of a [self-insured automobile liability] **self-insurance** plan and is authorized to contract for excess insurance coverage with an insurance company authorized to write such coverage in this state. The immunity in tort actions of the state and the [state highways and transportation commission] shall not be in any way affected by this section.

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 184, Section 301.3155, Line 13, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words "**Red Dress Icon**"; and

Further amend said bill, Page 185, Section 301.3155, Line 6, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words "**Red Dress Icon**"; and

Further amend said bill, Page 185, Section 301.3155, Lines 7 through 9, by deleting all of said lines and inserting the following: "**the words 'Winning Women' shall replace the words 'SHOW-ME STATE'. Such license plates shall be made with fully**"; and

Further amend said bill, Page 185, Section 301.3155, Line 17, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words "**Red Dress Icon**"; and

Further amend said bill, Page 185, Section 301.3155, Line 20, by deleting the words "**Go Red For Women**" and inserting in lieu thereof the words "**Red Dress Icon**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 367, Section 1, Line 13, by inserting after all of said line the following:

"Section 2. For the purposes of sections 302.130, 302.171, 302.177, 302.181, 302.720, and 302.735, RSMo, United States citizens shall be considered 'lawfully present' regardless of their physical location at any given time."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills No. 1233, 840 and 1043, Page 30, Section 226.060, Line 14 of said page, by inserting immediately after said line the following:

"227.120. **1.** The state highways and transportation commission shall have power to purchase, lease, or condemn, lands in the name of the state of Missouri for the following purposes when necessary for the proper and economical construction and maintenance of state highways:

(1) Acquiring the right-of-way for the location, construction, reconstruction, widening, improvement or maintenance of any state highway or any part thereof;

- (2) Acquiring bridges or sites therefor and ferries, including the rights and franchises for the maintenance and operation thereof, over navigable streams, at such places as the state highways and transportation commission shall have authority to construct, acquire or contribute to the cost of construction of any bridge;
- (3) Acquiring the right-of-way for the location, construction, reconstruction, widening, improvement or maintenance of any highway ordered built by the bureau of public roads of the Department of Agriculture of the United States government;
- (4) Obtaining road building or road maintenance materials or plants for the manufacture or production of such materials and acquiring the right-of-way thereto; also acquiring the right-of-way to such plants as are privately owned when necessary for the proper and economical construction of the state highway system;
- (5) Changing gradients in any state highway;
- (6) Establishing detours in connection with the location, construction, reconstruction, widening, improvement or maintenance of any state highway or any part thereof;
- (7) Changing the channels of any stream and providing for drainage ditches when necessary for the proper construction or maintenance of any state highway;
- (8) Eliminating grade crossings;
- (9) Acquiring water supply and water power sites and necessary lands for use in connection therewith, including rights-of-way to any such sites;
- (10) Acquiring sites for garages and division offices and for storing materials, machinery and supplies;
- (11) Acquiring lands for sight distances along any state highway or any portion thereof whenever necessary, and also acquiring lands within wyes formed by junctions of state highways, or junctions of state highways and other public highways;
- (12) Acquiring lands or interests therein for the purpose of depositing thereon excess excavated, or other materials produced in the construction, reconstruction, widening, improvement or maintenance of any state highway;
- (13) Acquiring lands for any other purpose necessary for the proper and economical construction of the state highway system for which the commission may have authority granted by law. If condemnation becomes necessary, the commission shall have the power to proceed to condemn such lands in the name of the state of Missouri, in accordance with the provisions of chapter 523, RSMo, insofar as the same is applicable to the said state highways and transportation commission, and the court or jury shall take into consideration the benefits to be derived by the owner, as well as the damage sustained thereby. The state highways and transportation commission also shall have the same authority to enter upon private lands to survey and determine the most advantageous route of any state highway as granted, under section 388.210, RSMo, to railroad corporations.

2. In any case in which the commission exercises eminent domain involving a taking of real estate, the court, commissioners, and jury shall consider the restriction of or loss of access to any adjacent highway as an element in assessing the damages. As used in this subsection, "restriction of or loss of access" includes, but is not limited to, the prohibition of making right or left turns into or out of the real estate involved, provided that such access was present before the proposed improvement or taking." and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 82, Section 301.134, Line 17 of said page, by inserting after all of said line the following:

"301.141. 1. Fraudulent procurement or use of disabled-person license plates or windshield placards shall be a class [C] B misdemeanor. [It is a class C misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice.]

2. Any physician or other health care practitioner authorized to issue a physician's statement or certificate to enable persons to obtain disabled license plates or windshield hanging placards pursuant to section 301.142, who issues, signs, or furnishes such statement or certificate to any person who does not meet one or more of the conditions set forth in subsection 1 of section 301.142, if there is no basis for the diagnosis given, or who issues, signs, or furnishes such statement for a condition, the diagnosis of which is outside the scope of such health care provider's license, is guilty of a class B misdemeanor.

301.142. 1. As used in [this section the term] **sections 301.141 to 301.143, the following terms mean:**

- (1) **"Department", the department of revenue;**
- (2) **"Director", the director of the department of revenue;**
- (3) **"Other authorized health care practitioner", includes only chiropractors licensed pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and optometrists licensed pursuant to chapter 336, RSMo;**
- (4) **"Physically disabled" [means], a natural person who is [a] blind [person], as defined in section 8.700, RSMo, or a natural person with medical**

disabilities which [limit or impair the] **prohibits, limits, or severely impairs one's** ability to **ambulate or** walk, as determined by a licensed physician **or other authorized health care practitioner** as follows:

[(1)] **(a)** The person cannot **ambulate or** walk fifty or less feet without stopping to rest due to a severe and disabling, arthritic, neurological, [or] orthopedic condition, **or other severe and disabling condition**; or

[(2)] **(b)** The person cannot **ambulate or** walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

[(3)] **(c)** Is restricted by [lung] **a respiratory or other** disease to such an extent that the person's forced respiratory expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or

[(4)] **(d)** Uses portable oxygen; or

[(5)] **(e)** Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association; or

[(6) Is severely limited in the applicant's ability to walk due to an arthritic, neurological, or orthopedic condition.]

(f) A person's age, in and of itself, shall not be a factor in determining whether such person is "physically disabled" or is otherwise entitled to disabled license plates and/or disabled windshield hanging placards within the meaning of sections 301.141 to 301.143;

(5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;

(6) "Physician's statement", a statement personally signed by a duly authorized person which certifies that a person is disabled as defined in this section;

[2.] **(7) "Temporarily disabled person" [means], a [physically] disabled person as defined in this section whose disability or incapacity [can be] is expected to last [for not] no more than one hundred eighty days.**

[3.] 2. Other authorized health care practitioners may furnish to a disabled or temporarily disabled person a physician's statement for only those physical health care conditions for which such health care practitioner is legally authorized to diagnose and treat.

3. A physician's statement shall:

(1) Be on a form prescribed by the director of revenue;

(2) Set forth the specific diagnosis and medical condition which renders the person physically disabled or temporarily disabled as defined in this section;

(3) Include the physician's or other authorized health care practitioner's license number; and

(4) Be personally signed by the issuing physician or other authorized health care practitioner.

4. If it is the professional opinion of the physician or other authorized health care practitioner issuing the statement, that the physical disability of the applicant, user, or member of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the physician or other authorized health care practitioner shall note on the statement the anticipated length of the disability which period may not exceed one hundred eighty days. If the physician or health care practitioner fails to record an expiration date on the physician's statement, the director shall issue a temporary windshield placard for a period of thirty days.

5. A physician or other authorized health care practitioner who issues or signs a physician's statement so that disabled plates or a disabled windshield placard may be obtained shall maintain in such disabled person's medical chart documentation that such a certificate has been issued, the date the statement was signed, the diagnosis or condition which existed that qualified the person as disabled pursuant to this section and shall contain sufficient documentation so as to objectively confirm that such condition exists.

6. The medical or other records of the physician or other authorized health care practitioner who issued a physician's statement shall be open to inspection and review by such practitioner's licensing board, in order to verify compliance with this section. Information contained within such records shall be confidential unless required for prosecution, disciplinary purposes, or otherwise required to be disclosed by law.

7. Owners of motor vehicles who are residents of the state of Missouri, and who are physically disabled, owners of motor vehicles operated at least fifty percent of the time by a physically disabled person, or owners of motor vehicles used to primarily transport physically disabled members of the owner's household may obtain disabled person license plates. Such owners, upon application, accompanied by the documents and fees provided for in this section, a current physician's statement which has been issued within ninety days proceeding the date the application is made and [by] proof of compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles shall be issued motor vehicle license plates for vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the word "disabled" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [Handicapped parking places may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person. No vehicle shall park in the access aisle. Such parking violation shall be an infraction. The use of a vehicle displaying a

disabled license plate or windshield placard to park in a parking space designated for the disabled by a person not transporting the individual for whom the license or placard was issued shall be an infraction. Upon conviction thereof, violators shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars.

4.] 8. The director shall further issue, upon request, to such applicant one, and for good cause shown, as the director may define by rule and regulations, not more than two, removable disabled windshield hanging placards for use when the disabled person is occupying a vehicle or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or collect the physically disabled person issued the disabled motor vehicle license plate or disabled windshield hanging placard.

9. No additional fee shall be paid to the director [of revenue] for the issuance of the special license plates provided in this section, except for special personalized license plates and other license plates described in this subsection. Priority for any specific set of special license plates shall be given to the applicant who received the number in the immediately preceding license period subject to the applicant's compliance with the provisions of this section and any applicable rules or regulations issued by the director. If determined feasible by the advisory committee established in section 301.129, any special license plate issued pursuant to this section may be adapted to also include the international wheelchair accessibility symbol and the word "disabled" as prescribed in [subsection 3 of] this section and such plate may be issued to any applicant who meets the requirements of this section and the other appropriate provision of this chapter, subject to the requirements and fees of the appropriate provision of this chapter.

[5.] 10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. **[to] The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person.** When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for each removable windshield placard shall be four dollars and the removable windshield placard shall be renewed every two years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard [shall] **may** be issued to an applicant who has not been issued disabled person license plates, **at the appropriate fee.**

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, **and for good cause shown,** one additional temporary windshield placard [shall] **may** be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to [subsection 6 of] this section is supplied to the director of revenue at the time of renewal. [The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person.]

6.] 13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician **or other authorized health care practitioner** which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section. [The physician's statement shall be on a form prescribed by the director of revenue which shall include the physician's license number. If it is the professional opinion of the physician who issues the statement that the physical disability of the applicant, user, or member of the applicant's household is permanent, this shall be noted on the statement. In such instances, the applicant shall present the physician's statement which states that the applicant's disability is permanent to the director of revenue the first time the applicant applies for license plates or a removable windshield placard. The applicant shall not be required to obtain a new physician's statement each time that the applicant applies for or renews license plates or a removable windshield placard; but, the applicant shall present a physician's statement each time the applicant applies for a temporary windshield placard or renews a temporary windshield placard.]

14. The placard shall be renewable only by the person or entity to which the placard was originally issued. Any placard issued pursuant to this section shall only be used when the physically disabled occupant for whom the disabled plate or placard was issued is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected. A disabled license plate and/or a removable windshield hanging placard are not transferable and may not be used by any other person whether disabled or not.

15. At the time the disabled plates or windshield hanging placards are issued, the director shall issue a registration certificate which shall include the applicant's name, address, and other identifying information as prescribed by the director, or if issued to an agency, such agency's name and address. This certificate shall further contain the disabled license plate number or, for windshield hanging placards, the registration or identifying number stamped on the placard. The validated registration receipt given to the applicant shall serve as the registration certificate.

16. The director shall, upon issuing any disabled registration certificate for license plates and/or windshield hanging placards, provide information which explains that such plates or windshield hanging placards are nontransferable, and the restrictions explaining who and when a person or vehicle which bears or has the disabled plates or windshield hanging placards may be used or be parked in a disabled reserved parking space, and the penalties prescribed for violations of the provisions of this act.

17. Every new applicant for a disabled license plate or placard shall be required to present a new physician's statement dated no more than

ninety days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than ninety days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than ninety days prior to such application shall be required every fourth year. Such physician's statement shall state the expiration date for the temporary windshield placard. If the physician fails to record an expiration date on the physician's statement, the director shall issue the temporary windshield placard for a period of thirty days.

18. The director of revenue upon receiving a physician's statement pursuant to this subsection shall check with the state board of registration for the healing arts created in section 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or with the board of optometry established in section 336.130, RSMo, with respect to physician's statements signed by licensed optometrists, or the state board of podiatric medicine created in section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot or podiatrists to determine whether the physician is duly licensed and registered pursuant to law.

19. The boards shall cooperate with the director and shall supply information requested pursuant to this subsection. The director [may] **shall**, in cooperation with the boards which shall assist the director, establish a list of all [physicians' names] **Missouri physicians and other authorized health care practitioners** and of any other information necessary to administer this [subsection within the department of revenue if the director determines that such listing is necessary to carry out the provisions of this subsection] **section**.

[7.] **20.** Where the owner's application is based on the fact that the vehicle is used at least fifty percent of the time by a physically disabled person, the applicant shall submit [an affidavit] **a statement** stating this fact, in addition to the physician's statement. The [affidavit] **statement** shall be signed by both the owner of the vehicle and the physically disabled person. The applicant shall be required to submit this [affidavit] **statement** with each application for license plates. **No person shall willingly or knowingly submit a false statement and any such false statement shall be considered perjury and may be punishable pursuant to section 301.420, RSMo.**

21. The director of revenue shall retain all physician's statements and all other documents received in connection with a person's application for disabled license plates and/or disabled windshield placards.

[8.] **22.** The director of revenue shall enter into reciprocity agreements with other states or the federal government for the purpose of recognizing disabled person license plates or windshield placards issued to physically disabled persons.

[9.] **23.** When a person to whom disabled person license plates or a removable or temporary windshield placard or both have been issued dies, the personal representative of [such person] **the decedent or such other person who may come into or otherwise take possession, of the disabled license plates or disabled windshield placard** shall return [the plates or placards or both] the same to the director of revenue under penalty of law. **Failure to return such plates or placards shall constitute a class B misdemeanor.**

24. The director of revenue may order any person issued disabled person license plates or windshield placards to submit to an examination by a chiropractor, osteopath, or physician, or to such other investigation as will determine whether such person qualifies for the special plates or placards.

25. If such person refuses to submit or is found to no longer qualify for special plates or placards provided for in this section, the director of revenue shall collect the special plates or placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

[10.] **26.** In the event a removable or temporary windshield placard is lost, stolen, or mutilated, the lawful holder thereof shall, within five days, file with the director of revenue an application and an affidavit stating such fact, in order to purchase a new placard. The fee for the replacement windshield placard shall be [two] **four** dollars.

[11.] Beginning after September 1, 1998, and prior to August 31, 1999, the director of revenue shall authorize a one-time recertification and review of all permanent disabled person license plates and windshield placards, including physician's license numbers and related information that the director has on file pursuant to subsection 6 of this section to determine if such numbers and information are current and correct. The director shall require the presentation of a new physician's statement and other information deemed necessary by the director to administer the provisions of this section. The recertification and review shall be conducted in a manner as determined by the director.

[12.] **27.** Fraudulent application, renewal, issuance, procurement or use of disabled person license plates or windshield placards shall be a class A misdemeanor. It is a class B misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual or family member is qualified for a license plate or windshield placard based on a disability, the diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142.

2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine."

3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public off-street parking facility or any other owner of private property may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license

plate or card issued pursuant to section 301.071 or 301.142 as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card.

4. The local police or sheriff's department may cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility and may include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates or a card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.

5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. Notwithstanding the other provisions of this section, on-street parking spaces designated by political subdivisions in residential areas for the exclusive use of vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to this subsection and any such space shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue.

6. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of [an infraction and shall be subject to a fine of not less than fifty dollars nor more than three hundred dollars] **a class B misdemeanor**.

7. Law enforcement officials may enter upon private property open to public use to enforce the provisions of this section and section 301.142, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142.

8. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to August 28, 1997, shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate."; and

Further amend said bill, Page 298, Section 304.190, Line 15 of said page, by inserting after all of said line the following:

"304.601. 1. Designated disabled parking spaces may only be used when a disabled person, who has been issued disabled license plates or windshield hanging placards pursuant to the provisions of section 301.142, RSMo, or by those states with which the director has entered into reciprocity agreements as provided in section 301.142, RSMo, is then, or immediately preceding being parked, was an occupant of the motor vehicle bearing the disabled license plate or windshield hanging placard or in cases where the motor vehicle bearing the disabled license plate or windshield hanging placard is then being used to deliver or collect one or more of the disabled persons for whom the disabled license plate or windshield hanging placard was issued.

2. The driver, or any occupant, of a motor vehicle bearing disabled license plates or a windshield hanging placard which is parked or has been observed to have been parking in a duly designated disabled parking space shall, upon request from any law enforcement officer or other duly constituted peace officer upon identification as such, produce the disabled registration certificate issued to the disabled person or entity as provided for in section 301.142, RSMo, or such other authorization to show that the driver, or any occupant of the vehicle is lawfully entitled to use a designated disabled parking space. The driver or any occupant of the motor vehicle shall, in addition to the certificate, produce other identification with a photograph of the disabled person for whom the disabled plates or windshield hanging placard was issued.

3. If the driver, or an occupant, of a motor vehicle which is parked or has been observed to have parked in a designated disabled parking space is unable to, or cannot, produce the certificate as provided for in section 301.142, RSMo, or other proper authorization showing that the vehicle is being used, or has been lawfully parking in a disabled parking space, the operator is guilty of a class A misdemeanor. However, no person shall be found guilty of violating this section if the operator produces such a certificate to the court that was valid at the time of the citation for a person who was using the vehicle.

4. The windshield hanging placard shall only be used when the vehicle is parked in a disabled parking space. It shall be unlawful for any person to operate or drive a motor vehicle with a windshield hanging placard hanging from the inside rearview mirror."; and

Further amend said bill, Page 368, Section C, Line 30 of said page, by deleting all of said line and inserting the following: "67.1808, 301.132, 301.141, 301.142, 301.143, 301.144, 301.190, and 301.444, and the"; and

Further amend said bill, Page 369, Section C, Line 3 of said page, by deleting all of said line and inserting the following: "304.155, 304.156, 304.157, and 304.601 of section A of this act shall"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 361, Section 622.095, Line 21, by inserting after said line the following:

"622.350. In all trials, actions, suits and proceedings arising under the provisions of this chapter or growing out of the exercise of the authority and powers granted in this chapter to the [division] **state highways and transportation commission**, the burden of proof shall be upon [the party adverse to the division] **state highways and transportation commission. The state highways and transportation commission shall** [or seeking to set aside any determination, requirement, direction or order of the division, to] show by clear and satisfactory evidence that the determination, requirement, direction or order of the [division] **state highways and transportation commission is reasonable or lawful** [complained of is unreasonable or unlawful] as the case may be."; and

Further amend the title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 1099**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Shields, **SS** was withdrawn.

On motion of Senator Shields, **HCS** for **HB 1099** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senator Goode--1		
	Absent--Senators		
Coleman	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Klindt moved that **HCS** for **HB 980**, with **SS No. 2**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **HCS** for **HB 980**, as amended, was again taken up.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for House Committee Substitute for House Bill No. 980, Page 2, Section 640.015, Lines 8-9, by striking the words "probable qualitative and quantitative impact of the proposed rule, including"; and

Further amend same section, same page, line 10, by inserting after the word "benefits" the words "of the proposed rule"; and

Further amend same section, page 3, lines 8-11, by striking all of said lines and inserting in lieu thereof the following:

"(13) The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare, or environmental outcomes.".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SS No. 2** for **HCS** for **HB 980**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SS No. 2** for **HCS** for **HB 980**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--30		
NAYS--Senators			
Bland	Bray	Dougherty	Goode--4
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Govern-mental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Dolan moved that **SS** for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 946, 1106 and 952**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators			
Caskey	Shields--2		
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Quick
Steelman
Yeckel--33

Russell
Stoll

Scott
Vogel

Shields
Wheeler

NAYS--Senator Caskey--1
Absent--Senators--None
Absent with leave--Senators--None

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for HB 1509, entitled:

An Act to repeal section 376.1230, RSMo, and to enact in lieu thereof one new section relating to health benefits for chiropractic care.

Was taken up by Senator Shields.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1509, Page 1, In the title, Line 3, by striking "health benefits for chiropractic care" and inserting in lieu thereof the following: "health insurance"; and

Further amend said bill, page 1, section A, line 2, by inserting after all of said line the following:

"376.1221. 1. Every health carrier, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued, or renewed after January 1, 2005, shall provide coverage for hearing aids and associated hearing evaluations and consumable supplies that are prescribed and dispensed by appropriately licensed professionals to dependent children through age nineteen under a policy, contract, or plan.

2. The hearing aids covered pursuant to this section shall:

(1) Be an electronic, wearable device designed for the purpose of aiding or compensating for human hearing loss and any parts, attachments, or accessories, including earmolds; and

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years. This replacement provision shall not apply to Missouri medicaid and MC plus coverage policy which is set by federal requirements.

4. A health carrier subject to this section shall not cap the benefit payable for hearing aids to less than one thousand two hundred fifty dollars per hearing aid for each ear with a hearing loss. An insured or enrollee may choose a hearing aid that costs more than the benefit payable and may pay the difference between the cost of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health carrier from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. Coverage and benefits related to the health care services required by this section shall be at least as favorable and subject to the same dollar limits, deductibles and co-payments as other covered benefits or services. No health carrier subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Shields, **HCS** for **HB 1509**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 1155**, entitled:

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 67.1706, 67.1754, 71.620, 94.270, 99.1000, 99.1018, 100.255, 100.260, 100.270, 100.281, 100.710, 135.207, 135.215, 135.530, 144.757, 144.759, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof sixty-three new sections relating to economic development projects, with penalty provisions.

With House Amendments Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 1155, Page 130, Section 100.710, Line 33, by deleting the word "or" and adding in its place the word "of".

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 1155, Page 28, Section 67.1303, Line 23 of said page, by inserting after "**RSMo.**" the following:

"In addition, the governing body of any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants or the governing body of any home rule city with more than seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax under chapter 144, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 1155, Page 50, Section 67.2500, Line 17, by deleting the word "**know**" and replacing with "**known**"; and

Further amend said bill, section 67.2520, Page 68, Line 13, by deleting the word "**beam**" and replacing with "**team**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 1394**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 1394**, as amended: Senators Vogel, Bartle, Griesheimer, Callahan and Stoll.

On motion of Senator Gibbons, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1971, regarding Cassie J. Carpenter, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1972, regarding Kari Willhite, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1973, regarding Bobby McCutcheon, which was adopted.

Senator Kennedy offered Senate Resolution No. 1974, regarding Michael Sacco, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1975, regarding the Audrain Medical Center Auxiliary, Mexico, which was adopted.

Senator Nodler offered Senate Resolution No. 1976, regarding J. Phillip Fox, Cincinnati, Ohio, which was adopted.

Senator Nodler offered Senate Resolution No. 1977, regarding Donald Bingman, Denver, Colorado, which was adopted.

Senator Nodler offered Senate Resolution No. 1978, regarding Robert C. Cable, Joplin, which was adopted.

Senator Nodler offered Senate Resolution No. 1979, regarding Wallace Labau, Boulder, Colorado, which was adopted.

Senator Stoll offered Senate Resolution No. 1980, regarding Jeffco Subcontracting, Incorporated, Arnold, which was adopted.

Senator Bray offered Senate Resolution No. 1981, regarding Dr. Margaret A. Scordias, Ladue, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 855**, with **SCS**, entitled:

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

Was taken up by Senator Steelman.

SCS for **HCS** for **HB 855**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 855

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

Was taken up.

Senator Steelman moved that **SCS** for **HCS** for **HB 855** be adopted.

Senator Steelman offered **SS** for **SCS** for **HCS** for **HB 855**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 855

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 855** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 855, Page 16, Section 376.1550, Line 2, by inserting after said line the following:

"7. The provisions of this section shall expire on January 1, 2009."

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 855** be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **HCS** for **HB 855** was read the 3rd time and passed by the following vote:

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Vogel--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cauthorn moved that **SCS** for **SB 1155**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 1155**, as amended, entitled:

HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1155

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 32.105, 32.110, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.1401, 67.1461, 67.1545, 67.1706, 67.1754, 71.620, 94.270, 99.1000, 99.1018, 100.255, 100.260, 100.270, 100.281, 100.710, 135.207, 135.215, 135.530, 144.757, 144.759, 620.1039, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450, 620.1460, 620.1560, and 644.032, RSMo, and section 100.850 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof sixty-three new sections relating to economic development projects, with penalty provisions.

Was taken up.

Senator Cauthorn moved that **HS** for **SCS** for **SB 1155**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Vogel--1		
	Absent with leave--Senators--None		

On motion of Senator Cauthorn, **HS** for **SCS** for **SB 1155**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan

Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Vogel-- 1
 Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Champion, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 762

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, with House Amendment Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment Nos. 6, 7, and 8, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, as amended;
2. That the Senate recede from its position on Senate Committee Substitute No. 2 for Senate Bill No. 762;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 762, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Norma Champion	/s/ Catherine L. Hanaway
/s/ Charlie Shields	/s/ Bryan P. Stevenson
/s/ Sarah H. Steelman	/s/ Mark Wright
/s/ Pat Dougherty	/s/ Vicky Riback Wilson
/s/ Charles Wheeler	/s/ Daniel P. Bishop

Senator Champion moved that the above conference committee report be adopted.

At the request of Senator Champion, the above motion was withdrawn.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1020, 889 and 869

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, with House Amendments Nos. 1, 5, 6, 9 and 10, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, be Third Read and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sarah H. Steelman	/s/ Jack A. L. Goodman
/s/ Norma Champion	/s/ Charles Schlottach
/s/ John E. Griseheimer	Mark Wright
/s/ Wayne Goode	/s/ Jeff Harris
/s/ Ed Quick	/s/ Paul LeVota

Senator Bartle assumed the Chair.

Senator Steelman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Kennedy--1			
Absent with leave--Senators--None			

On motion of Senator Steelman, **CCS** for **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1020, 889 and 869

An Act to repeal sections 493.050, 610.010, 610.011, 610.015, 610.020, 610.021, 610.022, 610.023, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof fifteen new sections relating to public records, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Dolan	Wheeler--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bland	Champion	Dolan--3	
	Absent with leave--Senators--None		

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 1394**, as amended. Representatives: Cooper (120), Sutherland, Icet, Young and Burnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 1196**, entitled:

An Act to repeal sections 320.094, 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof ten new sections relating to fireworks regulations, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1040**.

With House Committee Amendment No. 1 and House Amendments Nos. 1 and 2.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1040, Page 13, Section 260.475, Line 27 of said page by deleting the word "Sixty" and inserting in lieu there of the word "[Sixty] **Forty**"; and

Further amend said page, Line 30 of said page by deleting the word "Forty" and inserting in lieu there of the word "[Forty] **Sixty**"; and

Further amend said page, Line 39 of said page by deleting the word "Sixty" and inserting in lieu there of the word "[Sixty] **Forty**"; and

Further amend said page, Line 40 of said page by deleting the word "Forty" and inserting in lieu there of the word "[Forty] **Sixty**"; and

Further amend said page, Line 45 of said page by deleting the word "Sixty" and inserting in lieu there of the word "[Sixty] **Forty**"; and

Further amend said page, Line 46 of said page by deleting the word "Forty" and inserting in lieu there of the word "[Forty] **Sixty**"; and

Further amend said substitute, Page 16, Section 260.479, Line 74 of said page by deleting the word "Sixty" and inserting in lieu there of the word "[Sixty] **Forty**"; and

Further amend said page, Line 77 of said page by deleting the word "Forty" and inserting in lieu there of the word "[Forty] **Sixty**".

Further amend said page, Line 85 of said page by inserting immediately after the word "date" the following:

"and reported to the department"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1040, with House Committee Amendment 1, Page 14, Section 260.475, Line 57 of said page, by inserting immediately after the word "date" the following:

"**and reported to the department**"; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 1040, Page 1, Section A, Line 3, by inserting after all of said line the following:

"260.335. 1. For fiscal years 1992-1997, one million dollars from the solid waste management fund shall be made available, upon appropriation, to the department and the environmental improvement and energy resources authority to fund activities that promote the development and maintenance of markets for recovered materials, and beginning in fiscal year 1998, ten percent of the moneys in the solid waste management fund, **from August 28, 2004, to August 28, 2005**, not to exceed [one million] **eight hundred thousand** dollars, shall be made available for such purposes. Up to [fifteen] **nineteen** percent of such moneys may be used, upon appropriation, to administer the management of household hazardous waste and agricultural hazardous waste from family farms and family farm corporations, as defined in section 350.010, RSMo, to provide for establishment of an education program and a plan for the collection of household hazardous waste on a statewide basis by January 1, 2000. **After August 28, 2005, no more than one million dollars shall be made available for such purposes. Up to fifteen percent of such moneys may be used upon appropriation to administer the management of household hazardous waste and agricultural hazardous waste from family farms and family farm corporations, as defined in section 350.010, RSMo, to provide for establishment of an education program and a plan for the collection of household hazardous waste on a statewide basis by January 1, 2000.** The department and the authority shall establish a joint interagency agreement with the department of economic development to identify state priorities for market development and to develop the criteria to be used to judge proposed projects. Additional moneys may be appropriated in subsequent fiscal years if requested. The authority shall establish a procedure to measure the effectiveness of the grant program under this subsection and shall provide a report to the governor and general assembly by January fifteenth of each year regarding the effectiveness of the program.

2. All remaining [moneys in] **revenues deposited into** the fund **each fiscal year** after moneys have been made available for market development under subsection 1 of this section shall be allocated as follows:

(1) **From August 28, 2004, to August 28, 2005**, up to [ten] **forty-two** percent of the [moneys] **revenues** shall be dedicated, upon appropriation, to the elimination of illegal solid waste disposal, to identify and prosecute persons disposing of solid waste illegally[;

(2) Up to fifteen percent of the moneys may, upon appropriation, be used], **to conduct solid waste permitting activities**, to administer grants and perform other duties imposed in sections [260.255] **260.200** to 260.345 and section 260.432. **After August 28, 2005, up to twenty-five percent of the revenues shall be dedicated, upon appropriation, to the activities and duties authorized in this subdivision;**

[(3)] (2) **From August 28, 2004, to August 28, 2005**, at least [fifty] **fifty-eight** percent of the [moneys] **revenues** shall be allocated through grants, upon appropriation, to participating cities, counties, and districts [through grants or loans]. **After August 28, 2005, up to fifty percent of the revenues shall be allocated through grants, upon appropriation, to participating districts.** Forty percent of the revenue generated within each region and allocable under this subdivision may be allocated to the district upon approval of the department for implementation of a solid waste management plan **and district operations**, and sixty percent of the revenue generated within each region and allocable under this subdivision shall be allocated to the cities and counties [within] **of the district or to persons or entities providing solid waste management, waste reduction, recycling and related services in these cities and counties.** For the purposes of this subdivision, revenue generated within each district shall be determined from the previous year's data. **From August 28, 2004, to August 28, 2005**, each district shall receive a minimum of [forty-five] **seventy-five** thousand dollars under this subdivision. **After August 28, 2005, each district shall receive a minimum of forty-five thousand dollars under this subdivision.** Each district receiving moneys under this subdivision shall expend such moneys pursuant to a solid waste management plan required under section 260.325, and only in the case that the district is in compliance with planning requirements established by the department, and shall submit, within ninety days of the end of the fiscal year, an audited report of the expenditure of all funds received under this subsection. Moneys shall be awarded based upon grant applications. Any moneys remaining in any fiscal year due to insufficient or inadequate applications may be reallocated pursuant to **this** subdivision [(4) of this subsection]. [Moneys received from a region without a district which are allocable under this subsection shall be accumulated through September 30, 1993, and may be allocated to any district which forms within the region before July 1, 1996, and to cities and

counties within the district to further the purposes of sections 260.300 to 260.345. Moneys collected in and accumulated for a region without a district on June 30, 1996, shall be reallocated to existing districts after July 1, 1996, pursuant to this section;

(4) The] **(3) From August 28, 2004, to August 28, 2005, any** remaining moneys in the fund shall be used, upon appropriation, to provide grants [or loans] **for statewide solid waste management planning or research** projects to any district, county or city of the state or to any other person or entity involved in waste reduction or recycling **or for contracted services** to further the purposes of **section 260.225 and** sections 260.255 to 260.345[. Solid waste management districts may apply annually to the department for a three-to-one matching grant of up to twenty thousand dollars per district per year to be used for the purpose of district operations]. **After August 28, 2005, any remaining moneys in the fund shall be used, upon appropriation, to provide grants or loans for statewide solid waste management projects to any district, county or city of the state or to any other person or entity involved in waste reduction or recycling to further the purposes of sections 260.255 to 260.345. Solid waste management districts may apply annually to the department for a three-to-one matching grant of up to twenty thousand dollars per district per year to be used for the purpose of district operations;**

[5)] **(4)** Funds may be made available under this subsection for the administration and grants of the used motor oil program described in section 260.253;

[6)] **(5)** The department and the environmental improvement and energy resources authority shall conduct sample audits of grants provided under this subsection.

3. The advisory board created in section 260.345 shall recommend criteria to be used to allocate grant moneys to districts, cities and counties. These criteria shall establish a priority for proposals which provide methods of solid waste reduction and recycling. The department shall promulgate criteria for evaluating grants by rule and regulation. Projects of cities and counties located within a district which are funded by grants under this section shall conform to the district solid waste management plan.

4. Beginning July 1, 2004, a joint committee appointed by the speaker of the house of representatives and the president pro tem of the senate shall consider proposals for fees, restructuring the distribution of the fees between solid waste districts, grant recipients, and the department. The committee shall consider options for the distribution of the tipping fee to the solid waste districts and any other matters it deems appropriate. The committee shall prepare and submit a report including its recommendation for changes to the governor, the house of representatives, and the senate no later than December 31, 2004.

5. The funds awarded to the districts, counties and cities pursuant to this section shall be used for the purposes set forth in sections 260.300 to 260.345, and shall be used in addition to existing funds appropriated by counties and cities for solid waste management and shall not supplant county or city appropriated funds.

[5.] **6.** The department, in conjunction with the solid waste advisory board, shall review the performance of all grant recipients to ensure that grant moneys were appropriately and effectively expended to further the purposes of the grant, as expressed in the recipient's grant application. The grant application shall contain specific goals and implementation dates, and grant recipients shall be contractually obligated to fulfill same. The department may require the recipient to submit periodic reports and such other data as are necessary, both during the grant period and up to five years thereafter, to ensure compliance with this section. The department may audit the records of any recipient to ensure compliance with this section. Recipients of grants under sections 260.300 to 260.345 shall maintain such records as required by the department. If a grant recipient fails to maintain records or submit reports as required herein, refuses the department access to the records, or fails to meet the department's performance standards, the department may withhold subsequent grant payments, if any, and may compel the repayment of funds provided to the recipient pursuant to a grant. The department shall make available all of the unencumbered funds generated during prior fiscal years by the fees established under section 260.330 through grants or loans to solid waste management areas and processing facilities, municipalities, counties, districts, and other appropriate persons who demonstrate a need for assistance to comply with section 260.250. Such grants or loans shall be used for educational programs, transportation, low-interest or no-interest loans to purchase property for composting or other solid waste source reduction activities stated to facilitate compliance with section 260.250.

[6.] **7.** The department shall provide for a security interest in any machinery or equipment purchased through grant moneys distributed pursuant to this section.

8. If the moneys are not transmitted to the department within the time frame established by the rule promulgated, interest shall be imposed on the moneys due the department at the rate of ten percent per annum from the prescribed due date until payment is actually made. These interest amounts shall be deposited to the credit of the solid waste management fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 1211**, entitled:

An Act to repeal sections 2.030, 2.040, 2.050, 2.060, 3.130, 105.711, 211.031, 211.141, 452.310, 452.420, 452.423, 455.010, 455.501, 478.266, 478.725, 479.020, 482.330, 483.550, 488.429, 488.2275, 491.300, 494.400, 494.425, 494.430, 494.431, 494.445, 494.450, 494.460, 512.020, 512.180, 513.430, 513.440, 526.010, 526.020, 527.290, 535.020, 535.030, 537.046, 542.276, 544.020, 559.026, 570.030, 570.200, 570.210, 590.120, 595.045,

595.050, 610.100 and 630.130, RSMo, and to enact in lieu thereof fifty-five new sections relating to court procedures and court personnel, with penalty provisions.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1211, Section 3.130, Page 4, Line 59, by inserting after all of said line the following:

"56.750. The "Missouri Office of Prosecution Services" is hereby established as an autonomous entity in the Missouri attorney general's office. It shall be the purpose of the Missouri office of prosecution services to assist the prosecuting attorneys throughout the state in their efforts against criminal activity in the state. Such assistance may include:

- (1) The obtaining, preparing, supplementing, and disseminating of indexes to and digests of the decisions of the supreme court and the court of appeals of Missouri and other courts, and the statutes, and other legal authorities relating to criminal matters, and civil matters concerning the duties of prosecuting attorneys and circuit attorney;
- (2) The preparation and distribution of model complaints, informations, indictments, instructions, search warrants, interrogation advices, and other common and appropriate documents employed in the administration of criminal justice;
- (3) The preparation and distribution of a basic prosecutor's manual and other educational materials;
- (4) The promotion of and assistance in the training of prosecuting attorneys and circuit attorney on a statewide basis;
- (5) The provision of legal research assistance to prosecuting attorneys and circuit attorney; [and]

(6) The development, support and maintenance of automated case management and criminal history reporting systems approved by the Prosecutors Coordinators Training Council as the standard utilized by prosecuting attorneys and circuit attorney; and

[(6)] (7) The provision of other assistance to prosecuting attorneys and circuit attorney that is necessary for the successful implementation of sections 56.750 to 56.775 or that hereinafter may be authorized by law."; and

Further amend said bill, section 476.820, page 20, line 6 by inserting after all of said line the following:

"3. In all cases not included in subsection 2 of this section, such fees and expenses may be taxed as costs by the court to the parties. Prior to any proceeding requiring an interpreter or translator, the court may order either party, or both, to deposit money with the court in an amount reasonably necessary to cover such fees and expenses. Upon disposition of the proceeding the court may order such costs paid from such deposit and shall return any portion of the deposit not used for such court costs to the parties."; and

Further amend said bill, section 488.2275, page 26, line 21 by inserting after all of said line the following:

"490.525. 1. This section shall apply to civil actions filed in any court of this state.

2. Unless a controverting affidavit is filed as provided by this section, an affidavit that the amount a person charged for a service was reasonable at the time and place that the service was provided and that the service was necessary is sufficient evidence to support a finding of fact by judge or jury that the amount charged was reasonable or that the service was necessary.

3. The affidavit shall:

- (1) Be taken before an officer with authority to administer oaths;
- (2) Be made by the person **or that person's designee** who provided the service;
- (3) Include an itemized statement of the service and charge.

4. The party offering the affidavit in evidence or the party's attorney shall file the affidavit with the clerk of the court and serve a copy of the affidavit on each other party to the case at least thirty days before the day on which evidence is first presented at the trial of the case.

5. A party intending to controvert a claim reflected by the affidavit shall file a counteraffidavit with the clerk of the court and serve a copy of the counteraffidavit on each other party or the party's attorney of record:

- (1) Not later than:
 - (a) Thirty days after the day he receives a copy of the affidavit; and
 - (b) At least fourteen days before the day on which evidence is first presented at the trial of the case; or
- (2) With leave of the court, at any time before the commencement of evidence at trial.

6. The counteraffidavit shall give reasonable notice of the basis on which the party filing it intends at trial to controvert the claim reflected by the initial affidavit and must be taken before a person authorized to administer oaths. The counteraffidavit shall be made by a person who is qualified, by

knowledge, skill, experience, training, education or other expertise, to testify in contravention of all or part of any of the matters contained in the initial affidavit.

491.640. 1. The **Prosecutors Coordinators Training Council, as established in Section 56.760, RSMo.** [director of the department of public safety] may, upon the **council's** [director's] own initiative or at the request of the attorney general, any prosecuting attorney or law enforcement agency, provide for the security of witnesses, potential witnesses and their immediate families in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Providing for witnesses may include provision of housing facilities and for the health, safety and welfare of such witnesses and their immediate families, if testimony by such a witness might subject the witness or a member of his immediate family to danger of bodily injury, and may continue so long as such danger exists.

2. The **Prosecutors Coordinators Training Council** [director of the department of public safety] may authorize the purchase, rental or modification of protected housing facilities for the purpose of this section. The **council** [director] may contract with any department of federal or state government to obtain or to provide the facilities or services to carry out this section.

3. The **Prosecutors Coordinators Training Council** [director of the department of public safety] may authorize expenditures to provide for the health, safety and welfare of witnesses and victims, and the families of such witnesses and victims, whenever, in his judgment, testimony from, or a willingness to testify by, such a witness or victim would place the life of such person, or a member of his family or household, in jeopardy. Applications by requesting law enforcement agencies under this section must include but not necessarily be limited to:

(1) Statement of conditions which qualify persons for protection;

(2) Precise methods the originating agency will use to provide protection, including relocation of persons and reciprocal agreements with other law enforcement agencies;

(3) Statement of projected costs over a specified period of time.

4. The Prosecutors Coordinators Training Council may delegate administration of the program set forth in this section to the Executive Director of the Missouri Office of Prosecution Services. Subject to appropriations from the general assembly for the purposes provided for in this section, funds may be appropriated from the Missouri Office of Prosecution Services Fund set forth in Section 56.765.2, general revenue or federal funds. Under no circumstance shall the expenditures from general revenue for the purposes provided for in this section exceed the amount of ninety-five thousand dollars, if and when appropriated by the general assembly for such purposes."; and

Further amend said bill, section 494.430, page 27, line 10 by deleting the opening bracket "[" after the word "hardship" on said line; and

Further amend said bill, section 494.430, page 27, line 12 by deleting the closing bracket "]" after the word pharmacy on said line and inserting in lieu thereof the following:

", but only if such person provides a written statement to the court certifying that he or she is actually providing health care services to patients, and that the person's service as a juror would be detrimental to the health of the person's patients"; and

Further amend said bill, section 590.120, pages 42 and 43, lines 1 through 39 by deleting all of said lines; and

Further amend said bill, section 630.130, page 51, line 30 by inserting after all of said line the following:

"632.498. Each person committed pursuant to sections 632.480 to 632.513 shall have a current examination of the person's mental condition made once every year by the director of the department of mental health or designee. The yearly report shall be provided to the court that committed the person pursuant to sections 632.480 to 632.513. The court shall conduct an annual review of the status of the committed person. Nothing contained in sections 632.480 to 632.513 shall prohibit the person from otherwise petitioning the court for discharge. The director of the department of mental health shall provide the committed person with an annual written notice of the person's right to petition the court for release over the director's objection. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report. The committed person shall have a right to have an attorney represent the person at the hearing but the person is not entitled to be present at the hearing. If the court at the hearing determines [that probable cause exists to believe] **by a preponderance of the evidence** that the [person's mental abnormality has so changed that the person is safe to be at large and will not] **person no longer suffers from a mental abnormality that makes the person likely to** engage in acts of sexual violence if discharged, then the court shall set a hearing on the issue. At the hearing, the committed person shall be entitled to be present and entitled to the benefit of all constitutional protections that were afforded the person at the initial commitment proceeding. The attorney general shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by a psychiatrist or psychologist not employed by the department of mental health or the department of corrections. In addition, the person may be examined by a consenting psychiatrist or psychologist of the person's choice at the person's own expense. The burden of proof at the [hearing] **trial** shall be upon the state to prove beyond a reasonable doubt that the committed person's mental abnormality remains such that the person is not safe to be at large and if released is likely to engage in acts of sexual violence."; and

Further amend said bill, Section 2, Page 51, Lines 1 through 9 by deleting all of said lines; and

Further amend said bill, Section 452.420, Pages 51 and 52, Lines 1-5 on Page 51, and Line 6 on Page 52 by striking all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Amend House Committee Substitute for Senate Bill No. 1211, Page 4, Section 3.130, Line 59, by inserting after all of said line the following:

"57.260. It shall be the duty of the sheriff of Marion County to have at least one deputy[, residing in the city of Hannibal,] who shall attend district number 2 of the circuit court of Marion County at Hannibal; and if said sheriff shall neglect for one month to appoint a deputy [residing in the city of Hannibal,] as required by this section, he **or she** shall be liable to pay as a penalty therefor the sum of five hundred dollars for each month of such failure or neglect, and judgment may be entered for said penalty on a citation to show cause, issued from said court and served on said sheriff in like manner as an order or summons, or may be recovered by an action for that purpose brought in the name of the county of Marion."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 1211, Page 25, Section 488.2275, Line 6, by inserting after the comma the following:

"and in any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants,".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161** and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128 and 1161**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **HS** for **HCS** for **HB 978**, as amended, and has taken up and passed **CCS No. 2** for **SS** for **HS** for **HCS** for **HB 978**.

HOUSE BILLS ON THIRD READING

Senator Shields moved that **HCS** for **HB 1509**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Shields offered **SS** for **HCS** for **HB 1509**, entitled:

SENATE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1509

An Act to repeal sections 376.1221 and 376.1230, RSMo, and to enact in lieu thereof three new sections relating to health insurance.

Senator Shields moved that **SS** for **HCS** for **HB 1509** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1509, Pages 1 and 2, Section 376.381, Line 5, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Shields, **HCS** for **HB 1509**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HB 959**, as amended, and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HB 959**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HCS** for **HB 1055**, as amended, and has taken up and passed **CCS** for **SS** for **HCS** for **HB 1055**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HB 1487**, as amended, and has taken up and passed **CCS** for **HS** for **HB 1487**.

Emergency clause adopted.

President Pro Tem Kinder assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HS** for **HCS** for **HB 978**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2

ON SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 978

The Conference Committee appointed on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, as amended;
- 2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 978;
- 3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anita Yeckel
/s/ Gary Nodler
/s/ Delbert Scott
/s/ Maida J. Coleman
/s/ Harold Caskey

FOR THE HOUSE:

/s/ Neal St. Onge
/s/ Brian Baker
/s/ Richard Byrd
/s/ Jim Seigfreid
/s/ Trent Skaggs

Senator Yeckel moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senators--None			

Senator Yeckel moved that **CCS No. 2** for **SS** for **HS** for **HCS** for **HB 978** be read the 3rd time and finally passed.

At the request of Senator Yeckel, the above motion was withdrawn.

REPORTS OF STANDING COMMITTEES

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **HB 932**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HB 1487**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1487

The Conference Committee appointed on House Substitute for House Bill No. 1487, with Senate Amendment No. 1 to Senate Amendment No. 1, Senate Amendment No. 2 to Senate Amendment No. 1, Senate Amendment No. 1, as amended, and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on House Substitute for House Bill No. 1487, as amended;
- 2. That the House recede from its position on House Substitute for House Bill No. 1487;
- 3. That the attached Conference Committee Substitute for House Substitute for House Bill No. 1487, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Delbert Scott
/s/ Matt Bartle
/s/ Sarah Steelman
/s/ Joan Bray
/s/ Rita Heard Days

FOR THE HOUSE:

/s/ Tom Self
/s/ Jack A. L. Goodman
/s/ Todd Smith
/s/ Cathy Jolly
/s/ Rachel L. Bringer

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Stelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senators--None			

President Maxwell assumed the Chair.

On motion of Senator Scott, **CCS** for **HS** for **HB 1487**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1487

An Act to repeal sections 556.037, 565.110, and 567.030, RSMo, and to enact in lieu thereof twelve new sections relating to crimes against persons, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan

Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler--33			

NAYS--Senators--None
Absent--Senator Yeckel--1
Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Dolan moved that the Senate refuse to concur in **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended, and request the House to recede from its position or failing to do so grant the Senate a conference thereon; and further that the Senate conferees be allowed to exceed the differences to address the issues of racial profiling and primary seatbelt enforcement, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Vogel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HCS** for **HB 1055**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1055

The Conference Committee appointed on Senate Substitute for House Committee Substitute for House Bill No. 1055, with Senate Amendment Nos. 1, 3, 4, 6, 7, 8, and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Substitute for House Committee Substitute for House Bill No. 1055, as amended;
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 1055;
- 3. That the attached Conference Committee Substitute for Senate Substitute for House Committee Substitute for House Bill No. 1055, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Carl M. Vogel

/s/ Matt Bartle

/s/ John Cauthorn

/s/ Harold Caskey

Joan Bray

/s/ Mark Bruns

/s/ Bob Dixon

/s/ Robert Mayer

/s/ Cathy Jolly

/s/ Terry L. Witte

Senator Vogel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Quick	Russell--3	
Absent with leave--Senators--None			

On motion of Senator Vogel, **CCS** for **SS** for **HCS** for **HB 1055**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1055

An Act to repeal sections 43.540, 50.550, 537.046, 558.019, 559.021, 565.082, 565.083, 556.037, 566.083, 566.093, 566.140, 566.141, 573.037, 573.040, 589.400, 589.425, and 660.520, RSMo, and to enact in lieu thereof twenty new sections relating to sexual offenses, with a penalty provision.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Yeckel moved that the vote by which the conference committee report on **SS** for **HS** for **HCS** for **HB 978**, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan

Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Kinder--1
 Absent with leave--Senators--None

At the request of Senator Yeckel, the motion to adopt the conference committee report was withdrawn.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

CONFERENCE COMMITTEE REPORTS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 795, 972, 1128 and 1161

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161, with Senate Amendment Nos. 1, 2, 3, 4, 5, 7, Senate Substitute Amendment No. 2 for Senate Amendment No. 8, Senate Amendment Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, Senate Amendment No. 1 to Senate Amendment No. 25, Senate Amendment No. 25 as amended, and Senate Amendment Nos. 26, 27, 28, 30, and 31, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 795, 972, 1128 and 1161, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Doyle Childers
 /s/ John E. Griesheimer
 /s/ Matt Bartle
 /s/ Jim Mathewson
 Harold Caskey

FOR THE HOUSE:

/s/ Robert Johnson
 /s/ Randy Angst
 /s/ Jason Brown
 /s/ Jim Whorton
 /s/ Rachel L. Bringer

Senator Childers moved that the above conference committee report be adopted.

At the request of Senator Childers, the above motion was withdrawn.

Senator Yeckel moved that the Senate request the House grant further conference on **SS** for **HS** for **HCS** for **HB 978**, as amended, which motion prevailed.

Senator Vogel, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 1394**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1394

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Bill No. 1394, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 1394, as amended;
2. That the Senate recede from its position on Senate Bill No. 1394;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 1394, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Carl M. Vogel
/s/ Matt Bartle
/s/ John E. Griesheimer
/s/ Victor E. Callahan
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Shannon Cooper
/s/ Allen Icet
/s/ Mike Sutherland
/s/ John Burnett
/s/ Terry Young

Senator Vogel moved that the above conference committee report be adopted.

At the request of Senator Vogel, the above motion was withdrawn.

Senator Childers moved that the conference committee report on **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161** be again taken up, which motion prevailed.

Senator Childers moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senator Caskey--1		
	Absent--Senator Dolan--1		
	Absent with leave--Senators--None		

On motion of Senator Childers, **CCS** for **SS** for **SCS** for **HCS** for **HBs 795, 972, 1128** and **1161**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 795, 972, 1128 and 1161

An Act to repeal sections 49.272, 49.650, 50.515, 50.339, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 64.930, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1360, 67.1401, 67.1706, 67.1754, 89.410, 137.100, 137.298, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 229.340, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 321.554, 321.556, 389.610, 393.760, 475.275, 479.020, 488.426, 488.429, 493.050, and 644.032, RSMo, and to enact in lieu thereof sixty-two new sections relating to county government, with penalty provisions, a termination date for a certain section, and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode

Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Klindt--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1265**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1265, section 590.653, page 1, line 13, by striking the phrase "**a crime**" on said line and inserting immediately thereafter the following:

"any felony, class A or B misdemeanor, or any crime involving the assault of a law enforcement officer, resisting arrest, or fleeing"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 1288**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1288**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HB 1617**, as amended, and has taken up and passed **CCS** for **HCS** for **HB 1617**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 37**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 34**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCR 32**.

HOUSE COMMITTEE SUBSTITUTE

FOR SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, the teaching of universal themes such as honesty and integrity benefits the community as a whole by accomplishing change in ways that strengthen, support, and reflect the local community's values; and

WHEREAS, having good character demonstrates understanding, caring, and acting upon core ethical values such as honesty, respect and responsibility and is an essential attribute of a successful individual; and

WHEREAS, schools that reach out to families and include them in character-building efforts greatly enhance their chances for success with students; and

WHEREAS, traits such as kindness and caring, respect and responsibility, fairness and honesty are critical to the overall health and safety of a school; and

WHEREAS, a school must be a caring community which motivates and challenges students to have good moral character and requires moral leadership from both staff and students; and

WHEREAS, polls have shown that 90% of those surveyed support the teaching of values, like responsibility, respect, courage, and caring in schools; and

WHEREAS, in 1988, *CHARACTERplus*, a statewide collaborative effort that reaches more than 600 schools, 25,000 teachers, and 300,000 students, and based on a grass-roots community project in the St. Louis region, was established in Missouri by parents, educators, and business leaders and is now our nation's largest community-wide response to the challenges of character education; and

WHEREAS, in accordance with the Missouri School Improvement Program (MSIP) Standard 6.5, a comprehensive intentional character education process helps schools create a positive climate for learning and promotes teacher and administrative responsibility; and

WHEREAS, in accordance with the MSIP Standard 6.6, a comprehensive intentional character education process provides the strategy to promote and maintain orderliness in schools and creates a safe environment; and

WHEREAS, in accordance with MSIP Standard 6.6, the *CHARACTERplus* process provides an assessment tool that gathers data, provides comprehensive and comparative data reports, and furnishes consultation for analyzing and setting up a yearly plan to modify and improve programs and strategies; and

WHEREAS, in accordance with MSIP Standard 6.7, the *CHARACTERplus* process provides professional development for school character education teams and for the entire school staff as an integral part of the character education process; and

WHEREAS, the principles taught by the *CHARACTERplus* process are consistent with "Goal 4" of the Show-Me Standards, as approved by the Missouri State Board of Education on January 18, 1996, which states, "Students in Missouri public schools will acquire the knowledge and skills to make decisions and act as responsible members of society"; and

WHEREAS, at least fourteen states have passed legislation requiring character education be taught in schools, while an additional fourteen states encourage the teaching of character education; and

WHEREAS, character education initiatives in Missouri have received support from the U.S. Department of Education in the form of federal grants to our schools to support local character education efforts as has the State of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby challenge each school district in our state to develop a character education process that involves school, home, and community, and if it already has such a process in place, reevaluate such process in order to make certain the resources that best benefit the students of this state are being utilized; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of the Department of Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that the Commissioner of the Department of Elementary and Secondary Education be instructed to copy this resolution and distribute one to each school district for distribution to its school board members.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HS** for **HCR 41**.

HOUSE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 41

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially today with the great potential for the cross-border spread of various infectious diseases such as the human immunodeficiency virus (HIV), tuberculosis, and malaria; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization (WHO); and

WHEREAS, Taiwan's achievements in the field of health are substantial, including:

- (1) Attaining one of the highest life expectancy levels in Asia, and maternal and infant mortality rates comparable to those of western countries; and
- (2) Eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and
- (3) Providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its counterpart agencies in Taiwan have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

WHEREAS, on January 14, 2001, an earthquake, registering between 7.6 and 7.9 of the Richter scale, struck El Salvador. In response, the Taiwanese Government sent two rescue teams, consisting of ninety individuals specializing in firefighting, medicine, and civil engineering. The Taiwanese Ministry of Foreign Affairs also donated \$200,000 in relief aid to the Salvadoran Government; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

WHEREAS, in light of all benefits that Taiwan's participation in WHO can bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 23,500,000 people should have appropriate and meaningful participation in the WHO; and

WHEREAS, in 2003, the outbreak of Severe Acute Respiratory Syndrome (SARS) caused 73 deaths in Taiwan; and

WHEREAS, avian influenza, commonly known as bird flu, has reemerged in Asia, with strains of the influenza reported by the People's Republic of China, Cambodia, Indonesia, Japan, Pakistan, South Korea, Taiwan, Thailand, Vietnam, and Laos; and

WHEREAS, the SARS and avian influenza outbreaks illustrate that disease knows no boundaries and emphasize the importance of allowing all people access to the WHO; and

WHEREAS, as the pace of globalization quickens and the spread of infectious disease accelerates, it is crucial that all people, including the people of Taiwan, be given the opportunity to participate in international health organizations such as the WHO:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby support observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May 2004 in Geneva, Switzerland; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President George W. Bush, Secretary of State Colin Powell, Secretary of Health and Human Services Tommy Thompson, and the Taipei Economic and Cultural Office in Kansas City, Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 30**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCR 47**.

With House Committee Amendment 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 47, Page 1291 of the House Journal, Line 18, Page 1, by inserting immediately before the word "waterways" the following: ", **motor carrier**,".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that House has taken up and passed **HCS** for **SCS** for **SB 972**, entitled:

An Act to amend chapter 650, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

With House Amendment 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 972, Page 5, Section 650.615, Line 9 of said page, by inserting after the word "**safety**" the following: "**from the fund created pursuant to section 650.620**"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SCR 32**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCR 32** was taken up.

Senator Gibbons moved that **HCS** for **SCR 32**, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel-- 32
NAYS--Senators--None			
Absent--Senators			
Dolan	Kennedy-- 2		
	Absent with leave--Senators--None		

On motion of Senator Gibbons, **SCR 32**, as amended by the **HCS**, was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Dolan	Kennedy--2		
Absent with leave--Senators--None			

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968
AND
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969

The Conference Committee appointed on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, with House Amendments Nos. 1, 2, and 3, begs leave to report that we,

after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 968 and Senate Committee Substitute for Senate Bill No. 969, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields
/s/ Bill Foster
/s/ Matt Bartle
/s/ Harold Caskey
/s/ Stephen Stoll

FOR THE HOUSE:

Jane Cunningham
/s/ Brian Baker
/s/ Maynard Wallace
/s/ D. J. Davis
/s/ Ed Wildberger

Senator Shields moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Quick--2		
	Absent with leave--Senators--None		

On motion of Senator Shields, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 968
AND
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969

An Act to repeal sections 105.454, 160.254, 160.261, 160.570, 162.261, 163.031, 163.036, 165.301, 167.020, 167.031, 167.051, 167.171, 168.104, 168.124, 168.126, 168.211, 168.500, 168.515, 172.360, 209.321, 210.145, 302.272, and 393.310, RSMo, and to enact in lieu thereof thirty-two new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Russell

Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Klindt	Quick--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Dolan	Quick--2		
	Absent with leave--Senators--None		

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1277**, with **SCS**, entitled:

An Act to repeal sections 260.370, 260.375, 260.380, 260.475, and 260.479, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste management, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HCS** for **HB 1277**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1277An Act to repeal sections 260.335, 260.342, 260.370, 260.375, 260.380, 260.475, 260.479, 444.762, 444.765, 444.767, 444.770, 444.787, and 621.015, RSMo, and to enact in lieu thereof fourteen new sections relating to environmental regulation, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **HCS** for **HB 1277** be adopted.

Senator Steelman offered **SS** for **SCS** for **HCS** for **HB 1277**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1277

An Act to repeal sections 260.200, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, 260.335, 260.342, 260.370, 260.375, 260.380, 260.475, 260.479, 444.762, 444.765, 444.767, 444.770, 444.787, and 621.015, RSMo, and to enact in lieu thereof twenty-three new sections relating to environmental regulation, with a penalty clause and an emergency clause.

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 1277**, be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 75, Section 621.250, Line 7, of said page by striking the word "fifteen" and inserting in lieu thereof the following: **"sixty"**; and further amend line 18 of said page by inserting a beginning bracket "[" immediately after the word "commission"; and further amend line 22 of said page by inserting an ending bracket "]" immediately after the word "commission"; and further amend lines 22-23 of said page by striking the words "and legal basis"; and

Further amend said section, page 76, line 2 of said page, by striking "department of natural resources" and inserting in lieu thereof the following: **"commission"**; and further amend line 4 of said page by inserting immediately after "6." the following: **"Except as otherwise provided by law"**; and further amend line 6 of said page by inserting immediately after the word "resources" the following: **"or the commission"**.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 57, Section 260.479, Line 8, by inserting immediately after said line the following:

"260.830. 1. Any county of the third classification or [any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants or] any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants may, by a majority vote of its governing body, impose a landfill fee pursuant to this section and section 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) impose a landfill fee of (insert amount of fee per ton or volumetric equivalent of solid waste)?

[] YES [] NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. **With the exception of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants**, if an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 2003, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county, **except in the case of any county of the fourth classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants, wherein the funds shall be credited to the county general revenue fund to be expended as prescribed by the county governing body**. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 1, Section 260.200 of said page, by striking all of said section from the bill; and

Further amend said bill, page 10, section 260.270, by striking all of said section from the bill; and

Further amend said bill, page 17, section 260.272, by striking all of said section from the bill; and

Further amend said bill, page 17, section 260.273, by striking all of said section from the bill; and

Further amend said bill, page 21, section 260.274, by striking all of said section from the bill; and

Further amend said bill, page 23, section 260.275, by striking all of said section from the bill; and

Further amend said bill, page 25, section 260.276, by striking all of said section from the bill; and

Further amend said bill, page 26, section 260.278, by striking all of said section from the bill; and

Further amend said bill, page 27, section 260.279, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted, which motion failed.

Senator Gross assumed the Chair.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 64, Section 444.770, Line 6-29, of said page, by striking all of said lines; and

Further amend said bill and section, Page 65 of said page, Lines 1 to 29, by striking all of said lines; and

Further amend said bill and section, Page 66, Lines 1 to 17 of said page, by striking all of said lines and inserting in lieu thereof the following:

"444.770. 1. **Except as provided in this section**, it shall be unlawful for any operator to engage in surface mining without first obtaining from the commission a permit to do so, in such form as is hereinafter provided, including any operator involved in any **sand and** gravel mining operation where the annual tonnage of **sand and** gravel mined by such operator is less than five thousand tons. **The commission shall establish excavation standards for operators of in-stream sand and gravel mines that are exempt from permitting requirements pursuant to this section. Such excavation standards shall not be more stringent than standards required of operators required to obtain permits. If an operator of an in-stream sand and gravel mine that is exempt from permitting requirements pursuant to this section violates such excavation standards and causes a negative impact on a stream, such operator shall take corrective actions as directed by the commission and the commission shall require such operator to apply for a permit to continue operating at the site of such violations.**

2. Sections 444.760 to 444.790 shall apply only to those areas which are opened on or after January 1, 1972, or to the extended portion of affected areas extended after that date. The effective date of this section for minerals not previously covered under the provisions of sections 444.760 to 444.790 shall be August 28, 1990.

3. All surface mining operations where land is affected after September 28, 1971, which are under the control of any government agency whose regulations are equal to or greater than those imposed by section 444.774, are not subject to the further provisions of sections 444.760 to 444.790, except that such operations shall be registered with the land reclamation commission.

4. Any portion of a surface mining operation which is subject to the provisions of sections 260.200 to 260.245, RSMo, and the regulations promulgated thereunder, shall not be subject to the provisions of sections 444.760 to 444.790, and any bonds or portions thereof applicable to such operations shall be promptly released by the commission, and the associated permits canceled by the commission upon presentation to it of satisfactory evidence that the operator has received a permit pursuant to section 260.205, RSMo, and the regulations promulgated thereunder. Any land reclamation bond associated with such released permits shall be retained by the commission until presentation to the commission of satisfactory evidence that:

(1) The operator has complied with sections 260.226 and 260.227, RSMo, and the regulations promulgated thereunder, pertaining to closure and postclosure plans and financial assurance instruments; and

(2) The operator has commenced operation of the solid waste disposal area or sanitary landfill as those terms are defined in chapter 260, RSMo.

5. [Notwithstanding the provisions of subsection 1 of this section,] Any political subdivision which uses its own personnel and equipment **or contracts for excavation to obtain sand and gravel material solely for the use of such political subdivision** or any private individual for personal use may conduct in-stream **sand and gravel** operations without obtaining from the commission a permit to conduct such an activity. **Any private landowner may contract for in-stream sand and gravel operations and may either personally or through their contractor sell up to a total of two thousand tons of sand and gravel material annually without obtaining a permit from the commission. Any contractor conducting in-stream sand and gravel operations on the behalf of one or more landowner or political subdivision shall not remove more than a total of two thousand tons of sand and gravel material per year from all sources without obtaining a permit from the commission. Any political subdivision or their contractor conducting in-stream sand and gravel operations pursuant to this subsection shall comply with excavation standards and notify the commission of the stream location, dates of operation at the specific location and the name of operator prior to commencing such operations and in a manner as determined by the commission with the preceding information. Such information gathered by the commission shall be used for informational purposes only.**

6. The commission shall provide information and educational opportunities to inform the public about permit requirements and best mining practices."; and

Further amend said section, by renumbering the remaining subsections accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Jacob offered **SA 1 to SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 4, Line 2 of said amendment, by inserting after said line the following: **"Any contractor, person or entity conducting in-stream sand and gravel operations on behalf of a landowner shall, prior to commencing operations, register the site of such operation with the commission and shall acknowledge in writing on a standard form provided by the commission that the operator has obtained and understands the excavation standards established pursuant to subsection 1 of this section. The commission shall provide copies of the excavation standards and registration and acknowledgement forms free of charge."**

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Cauthorn, Clemens and Russell.

SA 1 to SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bland	Bray	Coleman	Days
Dougherty	Jacob--6		
NAYS--Senators			
Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--26		
Absent--Senators			
Dolan	Quick--2		
Absent with leave--Senators--None			

SA 4 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 12, Section 260.270, Line 28, of said page, by striking the opening bracket "[" as it appears the second time on said line; and

Further amend said bill and section, page 13, line 3 of said page, by striking the closing bracket "]""; and

Further amend said bill and section, page 14, lines 23-24 of said page, by striking the following: ", scrap tire end-user facilities,"; and

Further amend said bill and section, page 15, line 13, of said page, by inserting immediately after the word "sites" the following: ", **processing facilities**"; and

Further amend said bill, section 260.273, page 19, line 15, of said page, by striking the words "shall be"; and further amend line 17, by striking the word "and"; and

Further amend said bill and section, page 20, line 11, of said page, by striking "5" and inserting in lieu thereof the following: "**6**"; and

Further amend said bill and section, page 21, line 13, of said page, by striking the word "January" and inserting in lieu thereof the following: "**July**"; and

Further amend said bill, section 260.275, page 24, line 12, of said page, by striking the opening bracket "[", the closing bracket "]", and the word "scrap"; and further amend line 14 of said page, by striking the opening bracket "[", the closing bracket "]", and the word "scrap".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1277, Page 19, Section 260.273, Line 9 of said page, by striking the word "eighteen" and inserting in lieu thereof the following: "**nineteen**".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **SCS** for **HCS** for **HB 1277**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **HCS** for **HB 1277**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators		
Griesheimer	Jacob	Scott--3	
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senators		
Griesheimer	Jacob	Scott--3	
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 1391**, entitled:

An Act to amend chapter 94, RSMo, by adding thereto two new sections relating to local taxes.

With House Amendments Nos. 1, 2, 3, 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391, Page 9, Section 94.838, Line 23, by inserting after all of said line the following:

"321.552. 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; [or any county with a charter form of government with over one million inhabitants;] or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants, the governing body of any ambulance or fire protection district may impose a sales tax in an amount up to one-half of one percent on all retail sales made in such ambulance or fire protection district which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo, provided that such sales tax shall be accompanied by a reduction in the district's tax rate as defined in section 137.073, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the ambulance or fire protection district submits to the voters of such ambulance or fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the ambulance or fire protection district to impose a tax pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

"Shall (insert name of ambulance or fire protection district) impose a sales tax of (insert amount up to one-half) of one percent for the purpose of providing revenues for the operation of the (insert name of ambulance or fire protection district) and the total property tax levy on properties in the (insert name of the ambulance or fire protection district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?"

[] Yes [] No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the ambulance or fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the ambulance or fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of such ambulance or fire protection district resubmits a proposal to authorize the governing body of the ambulance or fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

5. All sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the governing body of the district which levied the tax; such funds shall be deposited with the board treasurer of each such district.

6. The director of revenue may make refunds from the amounts in the trust fund and credit any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. If any district abolishes the tax, the district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The director of revenue shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.";

and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391, Section A, Page 1, Line 2, by inserting the following after all of said line:

"94.070. In addition to the levy aforesaid for general municipal purposes, all cities of the third class are hereby authorized to levy annually not to exceed the following rates of taxation on all property subject to its taxing power for the following special purposes:

- (1) For library purposes in the manner and at the rate authorized under the provisions of sections 182.140 to 182.301, RSMo;
- (2) For hospitals, public health, and museum purposes [twenty] **thirty** cents on the one hundred dollars assessed valuation; and
- (3) For recreational grounds in the manner and at the rate authorized under the provisions of sections 90.500 to 90.570, RSMo."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391, Page 1, Section A, Line 8, by inserting immediately after said line the following:

"94.834. 1. The governing body of any city of the third classification with more than twelve thousand four hundred but less than twelve thousand five hundred inhabitants, **the governing body of any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants**, and the governing body of any city of the fourth classification with more than one thousand six hundred but less than one thousand seven hundred inhabitants and located in any county of the fourth classification with more than twenty-three thousand seven hundred but less than twenty-three thousand eight hundred inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or a portion thereof, which shall be not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city submits to the voters of the city at a state general or primary election a proposal to authorize the governing body of the city to impose a tax pursuant to this section. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and the proceeds of such tax shall be used by the city solely for the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.

2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels and motels situated in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of promoting tourism?

[] YES [] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

3. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391, Section A, Page 1, Line 8 of said page, by inserting after all of said line the following:

"82.850. 1. As used in this section, the following terms mean:

- (1) "Food", all products commonly used for food or drink, including alcoholic beverages;**
- (2) "Food establishment", any cafe, cafeteria, lunchroom, or restaurant which sells food at retail;**
- (3) "Gross receipts", the gross receipts from retail sales of food prepared on the premises and delivered to the purchaser (excluding sales tax);**
- (4) "Person", any individual, corporation, partnership, or other entity;**

(5) "Tourism-related activities", those activities commonly associated with the development, promotion, and operation of tourism and related facilities for the city, including historic preservation and neighborhood revitalization.

2. The city council of any home rule city with more than one hundred thirteen thousand two hundred but less than one hundred thirteen thousand three hundred inhabitants or any home rule city with more than four hundred thousand inhabitants and located in more than one county may impose a tax on the gross receipts derived from all retail sales of food by every person operating a food establishment situated in the city or a portion thereof. The tax authorized in this section may be imposed in increments of one-eighth of one percent, up to a maximum of two percent of such gross receipts. Such tax shall be in addition to all other sales taxes imposed on such food establishments, and shall be stated separately from all other charges and taxes. Such tax shall not become effective unless the city council, by order or ordinance, submits to the voters of the city a proposal to authorize the city council to impose a tax under this section on any day available for such city to hold municipal elections or at a special election called for the purpose.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall (insert the name of the city) impose a tax on the gross receipts derived from the retail sales of food at any food establishment situated in (name of city) at a rate of (insert rate of percent) percent for the sole purpose of providing funds for the development, promotion, and operation of museum and tourism-related activities and facilities, with (insert rate of percent) percent of such tax dedicated to museum purposes?

[] YES [] NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter following the calendar quarter in which the election was held. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax authorized by this section shall not become effective unless and until the question is resubmitted pursuant to this section to the qualified voters of the city and such question is approved by a majority of the qualified voters of the city voting on the question.

4. The tax imposed under this section shall be known as the "Museum and Tourism-Related Activities Tax". Each city imposing a tax under this section shall establish separate trust funds to be known as the "Museum Trust Fund" and the "Tourism-Related Trust Fund". The city treasurer shall deposit the revenue derived from the tax imposed under this section for museum purposes in the museum trust fund, and shall deposit the revenue derived for tourism-related purposes in the tourism-related trust fund. The proceeds of such tax shall be appropriated by the city council exclusively for the development, promotion, and operation of museum and tourism-related activities and facilities in the city.

5. All applicable provisions in chapter 144, RSMo, relating to state sales tax, and in section 32.057, RSMo, relating to confidentiality, shall apply to the collection of any tax imposed under this section.

6. All exemptions for government agencies, organizations, individuals, and on the sale of certain tangible personal property and taxable services granted under sections 144.010 to 144.525, RSMo, shall be applicable to the imposition and collection of any tax imposed under this section.

7. The same sales tax permits, exemption certificates, and retail certificates required for the administration and collection of state sales tax in chapter 144, RSMo, shall be deemed adequate for the administration and collection of any tax imposed under this section, and no additional permit, exemption certificate, or retail certificate shall be required, provided that the director of the department of revenue may prescribe a form of exemption certificate for an exemption from any tax imposed under this section.

8. Any individual, firm, or corporation subject to any tax imposed under this section shall collect the tax from the patrons of the food establishment, and each such patron of the food establishment shall pay the amount of the tax due to the individual, firm, or corporation required to collect the tax. The city shall permit the individual required to remit the tax to deduct and retain an amount equal to two percent of the taxes collected. The city council may either require the license collector of the city to collect the tax, or may enter into an agreement with the director of the department of revenue to have the director collect the tax on behalf of the city. In the event such an agreement is entered into, the director shall perform all functions incident to the collection, enforcement, and operation of such tax, and shall collect the tax on behalf of the city and shall transfer the funds collected to the city license collector, except for an amount not less than one percent nor more than three percent, which shall be retained by the director for the costs of collecting the tax. If the director is to collect such tax, the tax shall be collected and reported upon such forms and under such administrative rules and regulations as the director may prescribe. All refunds and penalties as provided in sections 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section.

9. It is unlawful for any person to advertise or hold out or state to the public or to any food establishment patron, directly or indirectly, that the tax or any part thereof imposed by this section, and required to be collected by that person, will be absorbed by that person, or anyone on behalf of that person, or that it will not be separately stated and added to the price of the food establishment bill, or if added, that it or any part thereof will be refunded.", and

Further amend said bill, section 94.838, page 9, line 23 of said page, by inserting after all of said line the following:

"144.518. In addition to the exemptions granted pursuant to section 144.030, there is hereby specifically exempted from the provisions of sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, **section 82.850, RSMo**, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo,

sections 144.010 to 144.525, and sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 66.600 to 66.635, RSMo, sections 67.391 to 67.395, RSMo, sections 67.500 to 67.545, RSMo, section 67.547, RSMo, sections 67.550 to 67.594, RSMo, sections 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.700 to 67.727, RSMo, section 67.729, RSMo, sections 67.730 to 67.739, RSMo, sections 67.1000 to 67.1012, RSMo, **section 82.850, RSMo**, sections 92.325 to 92.340, RSMo, sections 92.400 to 92.421, RSMo, sections 94.500 to 94.570, RSMo, section 94.577, RSMo, sections 94.600 to 94.655, RSMo, section 94.660, RSMo, sections 94.700 to 94.755, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 144.010 to 144.525, sections 144.600 to 144.761, sections 190.335 to 190.337, RSMo, sections 238.235 and 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, and section 644.032, RSMo, machines or parts for machines used in a commercial, coin-operated amusement and vending business where sales tax is paid on the gross receipts derived from the use of commercial, coin-operated amusement and vending machines.", and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 1391, section 94.838, Page 9, Line 23 by inserting after all of said line the following:

"Section 1. Any county of the third classification without a township form of government and with more than fourteen thousand nine hundred but less than fifteen thousand inhabitants may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, bed and breakfast inns and campgrounds and any docking facility which rents slips to recreational boats which are used by transients for sleeping, which shall be at least two percent, but not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the county at a state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax pursuant to the provisions of this section and section 67.1362. The tax authorized by this section and section 67.1362 shall be in addition to any charge paid to the owner or operator and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the county solely for funding the promotion of tourism. Such tax shall be stated separately from all other charges and taxes.", and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 855** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 855**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **SS** for **HS** for **HCS** for **HB 978**, as amended, and the conferees have been reappointed Representatives Baker, Byrd, St. Onge, Seigfreid and Skaggs.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **HS** for **HCS** for **HB 978**, as amended: Senators Yeckel, Nodler, Scott, Coleman and Caskey.

CONFERENCE COMMITTEE REPORTS

Senator Vogel moved that the conference committee report on **HS** for **HCS** for **SB 1394**, as amended, be again taken up, which motion prevailed.

Senator Vogel moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			

On motion of Senator Vogel, **CCS** for **HS** for **HCS** for **SB 1394**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1394

An Act to repeal sections 32.087, 64.930, 94.270, 100.710, 135.750, 137.101, 137.115, 137.298, 137.505, 143.081, 143.121, 143.241, 143.431, 143.782, 144.025, 144.083, 144.157, and 301.025, RSMo, section 100.850, RSMo, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 100.850, RSMo, as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof twenty-two new sections relating to taxation, with an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 959**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2 ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 959

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 959, with Senate Amendment No. 1, Senate Amendment No. 2, and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 959, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 959;
3. That the attached Conference Committee Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill No. 959, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anita Yeckel
/s/ Charles R. Gross
/s/ Jon Dolan

FOR THE HOUSE:

/s/ Blaine Luetkemeyer
/s/ Sherman Parker
/s/ Ronald Richard

/s/ Jim Mathewson

/s/ Harold Caskey

/s/ Michael Vogt

/s/ Michael Spreng

Senator Yeckel moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Yeckel, **CCS No. 2** for **SCS** for **HCS** for **HB 959**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 959

An Act to repeal sections 33.103, 166.415, 166.435, 408.032, 408.140, 408.190, 408.232, 443.130, 506.290, 513.430, 513.440, and 541.033, RSMo, and sections 570.223 and 570.224 as truly agreed to and finally passed by the second regular session of the ninety-second general assembly in senate committee substitute for house bill no. 916, and to enact in lieu thereof thirty-four new sections relating to banking, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Griesheimer moved that **SS** for **SCR 47**, with **HCA 1**, be taken up for adoption, which motion prevailed.

HCA 1 was taken up.

Senator Griesheimer moved that **HCA 1** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan

Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senator Caskey--1		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Griesheimer, **SS** for **SCR 47**, as amended by **HCA 1**, was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SBs 1233, 840** and **1043**, as amended, and grants the Senate a conference thereon and further that the House Conferees are allowed to exceed the differences to address the issues of racial profiling.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 1233, 840** and **1043**, as amended: Senators Dolan, Bland, Days, Nodler and Griesheimer.

PRIVILEGED MOTIONS

Senator Griesheimer moved that **SCS** for **SB 1040**, with **HCA 1**, **HA 1** and **HA 2** be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Griesheimer moved that above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		

Absent--Senators--None
Absent with leave--Senators--None

HA 1 was taken up.

Senator Griesheimer moved that above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

HA 2 was taken up.

Senator Griesheimer moved that above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senators--None			

On motion of Senator Griesheimer, SCS for SB 1040, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Dolan--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Klindt--1		
	Absent with leave--Senators--None		

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Wheeler moved that **SB 1211**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 1211**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1211

An Act to repeal sections 2.030, 2.040, 2.050, 2.060, 3.130, 105.711, 211.031, 211.141, 452.310, 452.420, 452.423, 455.010, 455.501, 478.266, 478.725, 479.020, 482.330, 483.550, 488.429, 488.2275, 491.300, 494.400, 494.425, 494.430, 494.431, 494.445, 494.450, 494.460, 512.020, 512.180, 513.430, 513.440, 526.010, 526.020, 527.290, 535.020, 535.030, 537.046, 542.276, 544.020, 559.026, 570.030, 570.200, 570.210, 590.120, 595.045, 595.050, 610.100 and 630.130, RSMo, and to enact in lieu thereof fifty-five new sections relating to court procedures and court personnel, with penalty provisions.

Was taken up.

Senator Wheeler moved that **HCS** for **SB 1211**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Wheeler, **HCS** for **SB 1211**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SS** for **SS** for **SCS** for **SB 1122**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SS** for **SCS** for **SB 1122**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 1122

An Act to repeal sections 209.321, 209.322, 209.323, 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 328.080, 332.051, 332.071, 332.081, 332.086, 332.111, 332.121, 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.016, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 338.013, 338.055, 338.065, 338.220, 345.015, 346.135, 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 374.765, 436.200, 436.205, 436.209, 436.212, 620.127, and 620.145, RSMo, and to enact in lieu thereof one hundred two new sections relating to professional licensing, with penalty provisions, with an effective date.

Was taken up.

Senator Shields moved that **HS** for **HCS** for **SS** for **SS** for **SCS** for **SB 1122**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senator Bartle--1			
Absent--Senator Jacob--1			
Absent with leave--Senators--None			

On motion of Senator Shields, **HS** for **HCS** for **SS** for **SS** for **SCS** for **SB 1122**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senator Bartle--1			
Absent--Senators			
Dolan		Jacob--2	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended. Representatives: Crawford, Schlottach, Smith (14), Bland and Boykins.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 12, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you for your advice and consent:

William J. Longmore, Ph.D., 517 Beaucaire Drive, Warson Woods, St. Louis County, Missouri 63122, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

John Thornton Park, Ph.D., 650 Holmes Lane, Rolla, Phelps County, Missouri 65401, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

John M. Houghton, Ph.D., #1 Duddin Court, Manchester, St. Louis County, Missouri 63021, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Robert Allan Morantz, M.D., 17100 Highland Ridge Drive, Belton, Cass County, Missouri 64012, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Robert D. Blitz, Democrat, 61 Portland, Frontenac, St. Louis County, Missouri 63131, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Gretchen Myers, term expired.

Sherri Talbott, 6113 Queens Court, House Springs, Jefferson County, Missouri 63051, as a member of the Public School Retirement System of Missouri, Board of Trustees, for a term ending August 28, 2006, and until her successor is duly appointed and qualified; vice, Lynn Harmon, term expired.

Diane Janice Seif, 4341 NE Maplegate Drive, Lee's Summit, Jackson County, Missouri 64064, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, RSMo 196.1103.

Joan Kelly Horn, 2017 S. Grand Blvd. #104, St. Louis City, Missouri 63104, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until her successor is duly appointed and qualified; vice, RSMo 196.1103.

Thomas L. Slaughter, 4361 East Berkeley St., Springfield, Greene County, Missouri 65809, as a member of the Life Sciences Research Board, for a term ending April 8, 2006, and until his successor is duly appointed and qualified; vice, RSMo 196.1103.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1118**, with **SCS**, was placed on the Informal Calendar.

HB 1504 was placed on the Informal Calendar.

HB 1109 was placed on the Informal Calendar.

HCS for **HB 1152** was placed on the Informal Calendar.

HB 1160, with **SCS**, was placed on the Informal Calendar.

HB 844 was placed on the Informal Calendar.

RESOLUTIONS

Senator Wheeler offered Senate Resolution No. 1982, regarding Barbara A. Twyman, Kansas City, which was adopted.

Senator Russell offered Senate Resolution No. 1983, regarding Sherry Ryals Huffman, which was adopted.

Senator Gibbons offered Senate Resolution No. 1984, regarding Andrew T. Willey, Kirkwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Griesheimer introduced to the Senate, the Physician of the Day, Matthew Tiefenbrunn, M.D., Sullivan.

On motion of Senator Gibbons, the Senate adjourned until 8:30 a.m., Friday, May 14, 2004.

SENATE CALENDAR

SEVENTY-SECOND DAY-FRIDAY, MAY 14, 2004

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SBs 1221 & 1305-

Kinder (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1185-Gross

HOUSE BILLS ON THIRD READING

HB 932-Bivins and Villa (Yeckel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 728-Steelman, with SCS

SB 735-Foster, et al, with SCS

SBs 738 & 790-Loudon, with SCS &

SS for SCS (pending)

SS for SS for SCS for SB 755-Shields

SBs 774 & 915-Wheeler, with SCS

SB 787-Childers, with SCS, SA 1 &

SSA 1 for SA 1 (pending)

SB 809-Klindt, with SCS, SS for SCS &

SA 2 (pending)

SB 817-Kennedy and Griesheimer, with SCS

SB 856-Loudon, with SCS, SS for SCS, SS

for SS for SCS, SA 2 & SSA 1 for SA 2

(pending)

SB 906-Foster, with SCS, SS for SCS &

SA 2 (pending)

SBs 908 & 719-Cauthorn, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SB 1037-Steelman and Stoll, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross

and Griesheimer, with SCS, SS for

SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1124-Goode and Steelman, with SCS

SB 1128-Cauthorn, with SCS

SB 1132-Steelman, et al, with SCS

SB 1138-Bartle

SB 1159-Foster and Dougherty

SB 1180-Shields and Kinder, with SCS

SB 1198-Russell, with SCA 1

SB 1213-Steelman and Gross, with SCS

SB 1227-Russell, et al, with SCS

SB 1232-Clemens, et al, with SCS (pending)

SB 1234-Mathewson and Childers, with

SCS, SS for SCS, SA 4 & point of order

(pending)

SB 1254-Klindt, with SCS

SB 1277-Yeckel, with SCS

SBs 1332 & 1341-Caskey and Mathewson,

with SCS

SB 1355-Days

SB 1366-Yeckel, with SCS

SJR 24-Caskey and Bartle, with SCS

SJR 25-Yeckel

SJR 26-Yeckel

SJR 40-Stoll

SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HB 844-Mayer, et al (Loudon)

HS for HCS for HB 852-Holand, with SCS

(pending) (Champion)

HCS for HB 898, with SCS (Shields)

HCS for HB 955 (Yeckel)

HB 956-May (149) (Steelman)

HB 969-Cooper, et al (Bartle)

(In Fiscal Oversight)

HCS for HBs 1098 & 949 (Childers)

HB 1109-Crawford, et al (Cauthorn)

HCS for HB 1118, with SCS (Dolan)

HS for HCS for HB 1150-May, with SCS &
SS for SCS (pending) (Scott)
HCS for HB 1152 (Nodler)
HB 1160-Parker, et al, with SCS (Steelman)
HS for HCS for HB 1195-Behnen,
with SCS (Yeckel)
HCS for HB 1209 (Kinder)
HCS for HB 1278, with SCS, SS for SCS &
SA 2 (pending) (Loudon)
HCS for HBs 1286 & 1175, with SCS
(Griesheimer)
HS for HB 1339-Cunningham (86) (Loudon)
HS for HB 1409-Dempsey, with SCS, SS
for SCS, SA 9, SSA 1 for SA 9 & SA 1
to SSA 1 for SA 9 (pending) (Mathewson)

HCS for HB 1439 (Dolan)
HB 1493-Emery, et al, with SCS & SA 3
(pending) (Steelman)
HB 1504-Lipke and Crowell (Dolan)
HCS for HB 1509, with SS & SA 1 (pending)
(Shields)
HS for HCS for HB 1566-Stefanick, with
SCS, SS for SCS, SS for SS for SCS,
SA 1 & SSA 2 for SA 1 (pending) (Cauthorn)
HB 1665-Hanaway, et al, with SCS (Scott)
HS for HCS for HJR 39, 38, 42 & 47-
Engler, with SA 2, SSA 1 for SA 2 &
SA 1 to SSA 1 for SA 2 (pending) (Steelman)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

House Bills

Reported 4/14

HB 1572-St. Onge, et al (Loudon)

HB 884-Ward (Loudon)

Reported 4/15

HCS for HB 912 (Goode)

HB 1149-May, et al (Steelman)

HB 1442-Lipke, et al (Kinder)

HCS for HB 1179 (Days)

HCS for HBs 1631 & 1623 (Champion)

HB 904-Luetkemeyer (Vogel)

HB 1427-Portwood (Wheeler)

HB 994-Cunningham (145), et al (Scott)

HB 1048-Parker, et al (Klindt)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 972-Stoll, with HCS,
as amended

SCS for SB 1196-Klindt, with HS

SCS for SB 1265-Bartle, with HA 1

SCS for SB 1269-Yeckel, with HS for HCS,

as amended

SB 1391-Foster, with HS for HCS, as amended BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 739-Klindt, with HCS, as amended

SCS for SB 758-Griesheimer, with HCS

(Senate adopted CCR and passed CCS)

SCS#2 for SB 762-Champion, with HS for

HCS, as amended

SB 884-Klindt, with HCS (Senate adopted

CCR and passed CCS)

SB 932-Loudon, with HS, as amended

SS for SCS for SB 968 & SCS for SB 969-

Shields, with HS for HCS, as amended

(Senate adopted CCR and passed CCS)

SCS for SBs 1020, 889 & 869-Steelman,

et al, with HS for HCS, as amended

(Senate adopted CCR and passed CCS)

SS for SCS for SB 1081-Kinder, et al,

with HS for HCS, as amended (Senate

adopted CCR and passed CCS)

SCS for SB 1106-Shields, with HCS

(Senate adopted CCR and passed CCS)

SS for SCS for SBs 1233, 840 & 1043-

Dolan, with HS, as amended

SB 1394-Vogel, with HS for HCS, as

amended (Senate adopted CCR and passed CCS)

HS for HCS for HB 978-Baker, with SS,

as amended (Yeckel) (Further conference granted)

HCS for HB 1182, with SS for SCS, as

amended (Klindt)

HCS for HB 1288, with SS for SCS, as
amended (Griesheimer) (House adopted
CCR and passed CCS)

HCS for HB 1305, with SCS, as amended
(Scott) (House adopted CCR and passed CCS)

HS for HCS for HB 1453-Hanaway, with SS
for SCS, as amended (Shields)

HB 1548-Crawford, with SCS, as amended
(Cauthorn)

HCS for HB 1617, with SSA 1 for SA 1
(Bartle) (House adopted CCR and passed CCS) RESOLUTIONS

HS for HCR 41-Phillips (32) (Shields)

Reported from Committee

SCR 46-Gross

SR 1877-Dougherty

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SECOND DAY--FRIDAY, MAY 14, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I am the Lord: I will grant peace in the land, and you shall lie down, and no one shall make you afraid." (Leviticus 26:6)

Wonderful God, we complete our work in a few hours and we pray that what we have done is according to Your will and will be a blessing to Your people. And as we complete this day we will close this session and bid farewell to many who have served here long and honorably. We pray they and we will go on to serve You in other ways and be filled with a purposeful life and peace in our tomorrows. In Your holy name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV, KMIZ-TV, KRCG-TV and the Kansas City Star were given permission to take pictures in the Senate Chamber and the Senate photographer was given permission to take pictures in the Senate Chamber and the Senate Gallery today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	Absent with leave--Senators--None		
	The Lieutenant Governor was present.		

RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 1985, regarding Richard Sacks, St. Charles, which was adopted.

Senator Vogel offered Senate Resolution No. 1986, regarding Brian Hauswirth, which was adopted.

Senator Kinder offered Senate Resolution No. 1987, regarding Meals on Wheels, Cape Girardeau, which was adopted.

PRIVILEGED MOTIONS

Senator Bartle moved that **SCS** for **SB 1265**, with **HA 1**, be taken up for 3rd reading and final passage.

At the request of Senator Bartle, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 807**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 987**.

With House Amendments Nos. 1, 2, 4, 6 and 7.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 987, Page 7, Section 247.165, Line 84, by inserting after all of said line the following:

"644.581. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

644.582. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.583. In addition to those sums authorized prior to August 28, 2004, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 987, Page 4, Section 247.040, Line 106 of said page, by inserting immediately after said line the following:

"247.085. 1. The board of directors of any public water supply district which is dependent upon purchases of water to supply its needs shall have power to sell and convey part or all of the property of the district to any city, owning and operating a waterworks system, in consideration whereof the city shall obligate itself to pay or assume the payment of all outstanding bond obligations of the district, and to provide reasonable and adequate water service and furnish water ample in quantity for all needful purposes, and pure and wholesome in quality, to the inhabitants of the territory lying within the district, during such period of time and under such terms and conditions as may be agreed upon by the city and the board of directors of the district; provided, however, that no action shall be taken as provided herein until said city and public water supply district shall cause a printed notice of their intention to act under this section to be published in a manner prescribed for by law in a newspaper having a general circulation in said city and public water supply district, and a statement of the time and manner of said publication shall be recited in any agreement or contract executed hereunder.

2. Thereafter the board of directors may sell and convey any remaining property of the district and after payment of the debts of the district, other than bond obligations, the board of directors may use the funds of the district for the purpose of providing fire protection or for any other public purpose which in the opinion of the board will be beneficial to the inhabitants of the district.

3. The powers granted by this section are in addition to the powers granted by other sections and are not subject to the terms and conditions set forth in those sections."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 987, Section 247.165, Pages 4-7, by deleting said section from the bill; and

Further amend said substitute by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 987, Section 247.040, Page 4, Line 106, by inserting the following after all of said line:

"Section 1. When an entity considering or proposing the construction of a multiresidential or commercial development, which is located within the city limits of a city owning a waterworks and also located within the boundaries of a public water supply district, makes an inquiry of the city administrator respecting the supply of water service to such construction project, the city shall notify the public water supply district of such inquiry. Such notification shall be within ten days of the initial inquiry of the city administrator, shall be by certified mail, and shall state the location of such construction project to the extent the city administrator is aware of such."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 987, Page 2, Section 247.040, Line 21, by deleting "**two miles**" and inserting in lieu thereof "**one mile**"; and

Further amend said section and page, Line 43, by deleting "**two miles**" and inserting in lieu thereof "**one mile**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 1344**, entitled:

An Act to repeal sections 64.930, 64.940, and 620.602, RSMo, and to enact in lieu thereof four new sections relating to the joint committee on economic development policy and planning.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 1344, Page 2, Section 64.930, Line 14, by inserting after the word "predecessors." an open bracket "["; and

Further amend said page, Line 16, by inserting after all of said line a closing bracket "]".

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill No. 1344, Section 620.602, Page 13, Line 6, by inserting before all of said line the following:

"262.217. Effective September 1, 1995, there is created a "State Fair Commission" whose domicile for the purposes of sections 262.215 to 262.280 shall be the department of agriculture of this state. The commission shall consist of nine members, two of whom shall be active farmers, two of whom shall be either current members or past presidents of county or regional fair boards, one of whom shall be the director of the department of agriculture, one of whom shall be employed in agribusiness, and three at-large members who shall be Missouri residents. The director of the department of agriculture shall be the chairman of the commission until January 31, 1997, and shall not be counted against membership from a congressional district, at which time the chairman shall be elected from among the members of the commission by the commission members. Such officer shall serve for a term of two years. Commissioners shall be reimbursed for their actual and necessary expenses incurred when attending meetings of the commission, to be paid from appropriations made therefor. Commissioners shall be appointed by the governor, with the advice and consent of the senate. The county fair association in the state may submit to the governor a list of nominees for appointment, three from each congressional district, for those commission members who are required to be current members or past presidents of county fair boards. Not more than four commissioners excluding the director of agriculture shall be members of the same political party. Each commissioner shall be a resident of the state for five years prior to his appointment. The eight initial commissioners shall be appointed as follows: two shall be appointed for terms of one year, two for terms of two years, two for terms of three years and two for terms of four years. Their successors shall be appointed for terms of four years. A commissioner shall continue to serve until his successor is appointed and qualified. Whenever any vacancy occurs on the commission, the governor shall fill the vacancy by appointment for the remainder of the term of the commissioner who was replaced. [There shall be no more than two commission members from any congressional district.]"; and

Further amend said bill, section 620.602, Page 15, Line 2 by inserting after all of said line the following:

"Section B. Because of the need for the State Fair Commission to better serve the citizens of this state, section 262.217 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 966**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 966, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following: "To repeal section 288.397 as contained in senate substitute no. 2 for senate committee substitute for house substitute for house committee substitute for house bill nos. 1268 and 1211, ninety-second general assembly, second regular session, and to enact in lieu thereof four new sections relating to"; and

Further amend said bill, Page 1, Section A, Lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Section 288.397, as contained in senate substitute no. 2 for senate committee substitute for house substitute for house committee substitute for house bill nos. 1268 and 1211, ninety-second general assembly, second regular session, is repealed, and four new sections enacted in lieu thereof, to be known as sections 288.401, 288.501, 288.502, and 1 to read as follows:"; and

Further amend said bill, Page 1, Section 288.401, Line 14, by inserting after all of said line the following:

"288.501. 1. There is hereby created a "Missouri State Unemployment Council". The council shall consist of nine appointed voting members and two appointed nonvoting members. All appointees shall be persons whose training and experience qualify them to deal with the difficult problems of unemployment compensation, particularly legal, accounting, actuarial, economic, and social aspects of unemployment compensation.

(1) Three voting members shall be appointed to the council by the governor. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation.

(2) Three voting members and one nonvoting member shall be appointed to the council by the speaker of the house of representatives. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers that employ twenty or less employees. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the house of representatives.

(3) Three voting members and one nonvoting member shall be appointed to the council by the president pro tem of the senate. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employers. One voting member shall be appointed on account of his or her vocation, employment, or affiliations being classed as representative of employees. One voting member shall be appointed to represent the public interest separate from employee or employer representation. One nonvoting member shall be appointed from the senate.

2. The council shall organize itself and select a chairperson or co-chairpersons and other officers from the nine voting members. Six voting members shall constitute a quorum and the council shall act only upon the affirmative vote of at least five of the voting members. The council shall meet no less than four times yearly. Members of the council shall serve without compensation, but are to be reimbursed the amount of actual expenses. Actual expenses shall be paid from the special employment security fund under section 288.310.

3. The division shall provide professional and clerical assistance as needed for regularly scheduled meetings.

4. Each nonvoting member shall serve for a term of four years or until he or she is no longer a member of the general assembly whichever occurs first. A nonvoting member's term shall be a maximum of four years. Each voting member shall serve for a term of three years. For the initial appointment, the governor-appointed employer representative, the speaker of the house-appointed employee representative, and the president pro tem of the senate-appointed public interest representative shall serve an initial term of one year. For the initial appointment, the governor-appointed employee representative, the speaker of the house-appointed public interest representative, and the president pro tem of the senate-appointed employer representative shall serve an initial term of two years. At the end of a voting member's term he or she may be reappointed; however, he or she shall serve no more than two terms excluding the initial term for a maximum of eight years.

5. The council shall advise the division in carrying out the purposes of this chapter. The council shall submit annually by January fifteenth to the governor and the general assembly its recommendations regarding amendments of this chapter, the status of unemployment insurance, the projected maintenance of the solvency of unemployment insurance, and the adequacy of unemployment compensation.

6. The council shall present to the division every proposal of the council for changes in this chapter and shall seek the division's concurrence with the proposal. The division shall give careful consideration to every proposal submitted by the council for legislative or administrative action and shall review each legislative proposal for possible incorporation into department of labor and industrial relations recommendations.

7. The council shall have access to only the records of the division that are necessary for the administration of this chapter and to the reasonable services of the employees of the division. It may request the director or any of the employees appointed by the director or any employee subject to this chapter, to appear before it and to testify relative to the functioning of this chapter and to other relevant matters. The council may conduct research of its own, make and publish reports, and recommend to the division needed changes in this chapter or in the rules of the division as it considers necessary.

8. The council, unless prohibited by a concurrent resolution of the general assembly, shall be authorized to commission an outside study of the solvency, adequacy, and staffing and operational efficiency of the Missouri unemployment system. The study shall be conducted every five years, the first being conducted in fiscal year 2005. The study shall be funded subject to appropriation from the special employment security fund under section 288.310.

288.502. If any provision of this act is found by a court of competent jurisdiction to be invalid or unconstitutional it is the stated intent of the legislature that the legislature would have approved the remaining portions of the act, and the remaining portions of the act shall remain in full force and effect.

Section 1. For purposes of section 288.330, RSMo, as contained in senate substitute no. 2 for senate committee substitute for house substitute for house committee substitute for house bill nos. 1268 and 1211, ninety-second general assembly, second regular session, the revisor of statutes shall renumber subdivision (16) of subsection 2 of such section as subdivision (17) of such subsection and renumber subdivision (17) of subsection 2 of such section as subdivision (16) of such subsection.

[288.397. The division shall send on or before September 30, 2004, to all employing units a report containing a summary of changes enacted

in this act including but not limited to changes in the tax rate, contribution rate, taxable wage base, temporary solvency charges, benefit or eligibility charges, and other pertinent information to enable the employing units to comply with the changes made.]"'; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Quick moved that SCS for SB 987, with HA 1, HA 2, HA 4, HA 6 and HA 7 be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Coleman	Mathewson--3	
Absent with leave--Senators--None			

HA 2 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Shields--2		
Absent with leave--Senators--None			

HA 4 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

HA 6 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

HA 7 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Quick, **SCS** for **SB 987**, as amended by **HA 1**, **HA 2**, **HA 4**, **HA 6** and **HA 7**, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Shields moved that **SB 966**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Shields moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Shields, SB 966, as amended by HA 1, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on HCS for HB 1617, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1617

The Conference Committee appointed on House Committee Substitute for House Bill No. 1617, with Senate Substitute Amendment No. 1 for Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on House Committee Substitute for House Bill No. 1617, as amended;
- 2. That the House recede from its position on House Committee Substitute for House Bill No. 1617;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill No. 1617, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Matt Bartle

/s/ Anita Yeckel

/s/ Delbert Scott

/s/ Harold Caskey

/s/ Harry Kennedy

/s/ Catherine L. Hanaway

/s/ Scott A. Lipke

/s/ Marilyn Ruestman

/s/ John Barnett

/s/ Russ Carnahan

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Kennedy	Quick--2		
	Absent with leave--Senators--None		

On motion of Senator Bartle, **CCS** for **HCS** for **HB 1617**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1617

An Act to amend chapter 409, RSMo, by adding thereto six new sections relating to obstruction of securities investigations, with penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Quick	Shields--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Bartle, title to the bill was agreed to.

Senator Bartle moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1195**, with **SCS**, introduced by Representative Behnen, entitled:

An Act to repeal sections 209.309, 209.321, 209.322, 209.323, 317.011, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 328.080, 332.086 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, 339.800, 345.015, 346.135, 436.200, 436.205, 436.209, 436.212, 544.650 620.127, and 620.145, RSMo, and to enact in lieu thereof eighty-one new sections relating to professional registration, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Yeckel.

SCS for **HS** for **HCS** for **HB 1195**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1195 An Act to repeal sections 209.292, 209.309, 209.321, 209.322, 209.323, 317.011, 320.094, 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, 320.161, 324.200, 324.203, 324.205, 324.210, 324.215, 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, 324.433, 328.080, 332.086, 334.100, 334.506, 334.530, 334.540, 334.550, 334.655, 334.660, 334.665, 335.212, 335.245, 337.085, 337.507, 337.615, 337.665, 337.712, 338.013, 338.055, 338.065, 338.220, 339.010, 339.020, 339.030, 339.040, 339.060, 339.100, 339.105, 339.120, 339.130, 339.150, 339.160, 339.170, 339.180, 339.600, 339.603, 339.605, 339.606, 339.607, 339.608, 339.610, 339.612, 339.614, 339.617, 339.710, 339.760, 339.780, 339.800, 345.015, 346.135, 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 376.1230, 436.200, 436.205, 436.209, 436.212, 620.127, and 620.145, RSMo, and to enact in lieu thereof one hundred thirty-six new sections relating to professional registration, with penalty provisions.

Was taken up.

Senator Yeckel moved that **SCS** for **HS** for **HCS** for **HB 1195** be adopted.

Senator Yeckel offered **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1195

An Act to repeal sections 182.200, 320.094, 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, 320.161, 337.510, 337.615, 337.703, 337.706, and 337.715, RSMo, and to enact in lieu thereof twenty-nine new sections relating to professional registration, with penalty provisions.

Senator Yeckel moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1195** be adopted.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1195, Page 44, Section 1, Line 21 of said page, by inserting immediately after said line the following:

"Section 2. 1. The holder of a current and active electrical contractor license issued by any political subdivision of this state, whose requirements are equal to or exceed the requirements for obtaining an electrical contractor license on August 28, 2004, in St. Louis County, shall be valid within any political subdivision of this state.

2. The provisions of this section shall not prohibit any political subdivision in this state from enforcing any code or law not contained herein, or to:

- (1) Issue an electrical contractor license valid for that political subdivision, except for a person who holds a license as provided in subsection 1 of this section;**
- (2) Require a business license to perform electrical contracting work;**
- (3) Issue electrical contracting permits;**
- (4) Enforce codes of the political sub-division; or**
- (5) Inspect the work of a licensee.**

3. Political subdivisions of this state that do not have the authority to issue or require electrical contractor licenses prior to August 28, 2004, shall not be granted such authority under the provisions of this section."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Yeckel, **HS** for **HCS** for **HB 1195**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Klindt moved that **SCS** for **SB 1196**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 1196**, entitled:

HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1196

An Act to repeal sections 320.094, 320.106, 320.111, 320.116, 320.126, 320.131, 320.136, 320.146, 320.151, and 320.161, RSMo, and to enact in lieu thereof ten new sections relating to fireworks regulations, with penalty provisions.

Was taken up.

Senator Klindt moved that **HS** for **SCS** for **SB 1196** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Mathewson--2		
	Absent with leave--Senators--None		

On motion of Senator Klindt, **HS** for **SCS** for **SB 1196** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Mathewson--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Yeckel moved that **HS** for **HCS** for **HB 1995**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HS for HCS for HB 1995, as amended, was again taken up.

Senator Scott offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1195, Page 1, Section 182.200, Line 10, by deleting said section; and further amend said bill by amending the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1195, Page 1, Section A, Line 9 of said page, by inserting immediately after said line the following:

"168.011. 1. No person shall be employed to teach in any position in a public school until he has received a valid certificate of license entitling him to teach in that position.

2. Teaching in the state of Missouri, performing other related education duties, **including school social work**, school administration, and teacher education are hereby declared to be professions with all the appropriate rights, responsibilities and privileges accorded to other recognized professions."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1195, Page 3, Section 182.200, Line 16 of said page, by inserting immediately after said line the following:

"190.092. 1. A person or entity who acquires an automated external defibrillator shall ensure that:

(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardio-pulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and

(4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the defibrillator and assure proper review of all situations when the defibrillator is used to render emergency care.

2. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

3. Any person who has had appropriate training, including a course in cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator, and who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person would have acted under the same or similar circumstances. The person or entity who provides appropriate training to the person using an automated external defibrillator, the person or entity responsible for the site where the automated external defibrillator is located, and the licensed physician who reviews and approves the clinical protocol, shall likewise not be held liable for civil damages resulting from the use of an automated external defibrillator, provided that all other requirements of this section have been met. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

4. The provisions of this section shall apply in all counties within the state and any city not within a county.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;**
- (2) Medical direction;**
- (3) Records and forms; and**
- (4) Memorandum of understanding with local ambulance services.**

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies, fire departments, and fire protection districts may provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level."; and

Further amend said bill, page 44, section 1, line 21 of said page, by inserting immediately after said line the following:

"[190.092. 1. A person or entity who acquires an automated external defibrillator shall ensure that:

(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and

(4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the defibrillator and assure proper review of all situations when the defibrillator is used to render emergency care.

2. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

3. Any person who has had appropriate training, including a course in cardiopulmonary resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator, and who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person, or with regard to a health care professional, including the licensed physician who reviews and approves the clinical protocol, as a reasonably prudent and careful health care provider would have acted, under the same or similar circumstances. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.]

[190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support if the applicant meets the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical response agency including, but not limited to:

- (1) A licensure period of five years;
- (2) Medical direction;
- (3) Records and forms; and
- (4) Memorandum of understanding with local ambulance services.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted

pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. No person or entity shall hold itself out as an emergency medical response agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

5. Only emergency medical response agencies licensed and serving in any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants will be licensed to provide certain ALS services with the services of EMT-Is.

6. Emergency medical response agencies functioning with the services of EMT-Is must work in collaboration with an ambulance service providing advanced life support with personnel trained to the emergency medical technician-paramedic level.]"; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Klindt offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1195, Pages 3-7, Section 320.094, by striking all of said section from the bill; and further amend pages 7-11, Section 320.106, by striking all of said section from the bill; and further amend pages 11-15, Section 320.111, by striking all of said section from the bill; and further amend pages 15-17, section 320.116, by striking all of said section from the bill; and further amend pages 17-19, section 320.126, by striking all of said section from the bill; and further amend section 320.131, lines 19-20, by striking all of said section from the bill; and further amend section 320.136, pages 20-21, by striking all of said section from the bill; and further amend section 320.146, pages 21-22, by striking all of said section from the bill; and further amend section 320.151, pages 22-23, by striking all of said section from the bill; and further amend page 23, section 320.161, by striking all of said section from the bill; and further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bray	Callahan	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
NAYS--Senators			
Bartle	Bland	Caskey--3	
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Griesheimer, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1288**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1288

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1288, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1288, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1288;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1288, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John E. Griesheimer
/s/ Sarah Steelman
/s/ Dan Clemens
/s/ Jim Mathewson
/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Kevin Threlkeld
/s/ Jim Guest
/s/ Neal St. Onge
/s/ Jim Whorton
/s/ Wayne Henke

Senator Griesheimer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators--None			

On motion of Senator Griesheimer, **CCS** for **SS** for **SCS** for **HCS** for **HB 1288**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1288

An Act to repeal section 301.566, RSMo, and to enact in lieu thereof eight new sections relating to contractual agreements between manufacturers and other merchants.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy

Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Dolan, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 1233, 840 and 1043

The Conference Committee appointed on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 & 1043, with House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 9, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the attached Conference Committee Amendment No. 1 be adopted;
2. That the House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 & 1043, with House Amendments Nos. 1, 2, 3, 4, 6, 7, 8 and 9, and Conference Committee Amendment No. 1, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Jon Dolan
/s/ Rita Heard Days
/s/ Mary G. Bland
/s/ John E. Griesheimer
/s/ Gary Nodler

FOR THE HOUSE:

/s/ Larry Crawford
/s/ Charles Schlottach
/s/ Joe Smith
/s/ Craig Bland
/s/ Amber Boykins

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1233, 840 and 1043, Page 358, Section 577.080, Line 14, of said page, by inserting immediately after said line the following:

"590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle [for a violation of any motor vehicle statute or ordinance], that officer shall report the following information to the law enforcement agency that employs the officer:

- (1) The age, gender and race or minority group of the individual stopped;
- (2) The [traffic violation or violations alleged to have been committed that led to] **reasons for** the stop;
- (3) Whether a search was conducted as a result of the stop;
- (4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;
- (5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

- (6) Whether any warning or citation was issued as a result of the stop;
- (7) If a warning or citation was issued, the violation charged or warning provided;
- (8) Whether an arrest was made as a result of either the stop or the search;
- (9) If an arrest was made, the crime charged; and
- (10) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.
- (2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.
- (3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.
4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.
- (2) The report of the attorney general shall include at least the following information for each agency:
- (a) The total number of vehicles stopped by peace officers during the previous calendar year;
 - (b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;
 - (c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and
 - (d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

- (1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;
- (2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:
 - (a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and
 - (b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; and
- (3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.
7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.

8. A peace officer who stops a driver of a motor vehicle pursuant to a lawfully conducted sobriety check point or road block shall be exempt from the reporting requirements of subsection 2 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers

Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Dolan, **HS** for **HCS** for **SCS** for **SBs 1233, 840** and **1043**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Griesheimer-- 1		
	Absent with leave--Senators--None		

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Champion moved that the conference committee report on **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended, be taken up, which motion prevailed.

Senator Champion moved that the conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields

Steelman	Stoll	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Bland	Vogel--2		
	Absent with leave--Senators--None		

On motion of Senator Champion, **CCS** for **HS** for **HCS** for **SCS No. 2** for **SB 762**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE BILL NO. 762

An Act to repeal sections 210.025, 210.565 and 210.760, RSMo, and to enact in lieu thereof eight new sections relating to foster care.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1149, introduced by Representative May, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Trooper Mike L. Newton Memorial Bridge.

Was called from the Consent Calendar and taken up by Senator Steelman.

On motion of Senator Steelman, **HB 1149** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1442, introduced by Representative Lipke, et al, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

Was called from the Consent Calendar and taken up by Senator Kinder.

On motion of Senator Kinder, **HB 1442** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Stelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HB 1179**, entitled:

An Act to repeal section 488.5026, RSMo, and to enact in lieu thereof one new section relating to a surcharge in criminal cases.

Was called from the Consent Calendar and taken up by Senator Days.

On motion of Senator Days, **HCS** for **HB 1179** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Stelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Kinder	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Days, title to the bill was agreed to.

Senator Days moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HCS for **HBs 1631** and **1623**, entitled:

An Act to repeal section 205.900, RSMo, and to enact in lieu thereof one new section relating to supervision of paroled persons.

Was called from the Consent Calendar and taken up by Senator Champion.

On motion of Senator Champion, **HCS** for **HBs 1631** and **1623** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Champion, title to the bill was agreed to.

Senator Champion moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 904, introduced by Representative Luetkemeyer, entitled:

An Act to repeal sections 400.1-105, 400.6-101, 400.6-102, 400.6-103, 400.6-104, 400.6-105, 400.6-107, 400.6-108, 400.6-109, 400.6-110, and 400.6-111, RSMo, and to enact in lieu thereof one new section relating to bulk transfers.

Was called from the Consent Calendar and taken up by Senator Vogel.

On motion of Senator Vogel, **HB 904** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bray	Coleman--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Vogel, title to the bill was agreed to.

Senator Vogel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1427, introduced by Representative Portwood, entitled:

An Act to repeal sections 195.140 and 195.410, RSMo, and to enact in lieu thereof two new sections relating to forfeiture of controlled substances and drug paraphernalia, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Wheeler.

On motion of Senator Wheeler, **HB 1427** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wheeler, title to the bill was agreed to.

Senator Wheeler moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 994, introduced by Representative Cunningham (145), et al, entitled:

An Act to repeal section 488.2205, RSMo, and to enact in lieu thereof one new section relating to court costs in the thirtieth judicial circuit.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 994** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Vogel--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HB 1048, introduced by Representative Parker, et al, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

Was called from the Consent Calendar and taken up by Senator Klindt.

Senator Klindt moved that **HB 1048** be read the 3rd time and finally passed.

At the request of Senator Klindt, the above motion was withdrawn, which placed the bill back on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1453**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 1081**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1081**.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 844, introduced by Representative Mayer, et al, entitled:

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to the establishment of the open contracting act.

Was called from the Informal Calendar and taken up by Senator Loudon.

Senator Gross assumed the Chair.

At the request of Senator Loudon, **HB 844** was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Stoll moved that **SCS** for **SB 972**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 972**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 972

An Act to amend chapter 650, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

Was taken up.

Senator Stoll moved that **HCS** for **SCS** for **SB 972**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Coleman	Klindt--2		
Absent with leave--Senators--None			

On motion of Senator Stoll, **HCS** for **SCS** for **SB 972**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan

Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Klindt--1
 Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Maxwell assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **HS** for **HCS** for **HB 1150**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HB 1150** was again taken up.

At the request of Senator Scott, the above substitute bill was withdrawn.

Senator Scott offered **SS No. 2** for **SCS** for **HS** for **HCS** for **HB 1150**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1150

An Act to repeal sections 105.466, 105.473, 105.485, 105.487, 105.489, 105.492, 105.957, 105.961, 105.963, 105.971, 105.973, 130.011, 130.021, 130.036, 130.041, 130.046, 130.049, 130.050 and 130.057, RSMo, and to enact in lieu thereof nineteen new sections relating to ethics, with penalty provisions.

Senator Scott moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HB 1150** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Page 33, Section 105.963, Line 22, by inserting after all of said line the following:

"115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any political subdivision [or special district] except for municipal [and], board of trustees of community college districts, **and school board** elections, if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation in the district, and if the number of candidates who have filed for a particular office is equal to the number of positions in that office to be filled by the election, no election shall be held for such office, and the candidates shall assume the responsibilities of their offices at the same time and in the same manner as if they had been elected. Notwithstanding any other provision of law to the contrary, if at any election the number of candidates filing for a particular office exceeds the number of positions to be filled at such election, the election authority shall hold the election as scheduled, even if a sufficient number of candidates withdraw from such contest for that office so that the number of candidates remaining after the filing deadline is equal to the number of positions to be filled.

2. The election authority or political subdivision responsible for the oversight of the filing of candidates in any nonpartisan election in any political subdivision or special district shall clearly designate where candidates shall form a line to effectuate such filings and determine the order of such

filings; except that, in the case of candidates who file a declaration of candidacy with the election authority or political subdivision prior to 5:00 p.m. on the first day for filing, the election authority or political subdivision may determine by random drawing the order in which such candidates' names shall appear on the ballot. If a drawing is conducted pursuant to this subsection, it shall be conducted so that each candidate may draw a number at random at the time of filing. If such drawing is conducted, the election authority or political subdivision shall record the number drawn with the candidate's declaration of candidacy. If such drawing is conducted, the names of candidates filing on the first day of filing for each office on each ballot shall be listed in ascending order of the numbers so drawn."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Scott, **HS** for **HCS** for **HB 1150**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Champion moved that **HS** for **HCS** for **HB 852**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HS** for **HCS** for **HB 852** was again taken up.

Senator Champion moved that **SCS** for **HS** for **HCS** for **HB 852** be adopted.

President Pro Tem Kinder assumed the Chair.

At the request of Senator Champion, **HS** for **HCS** for **HB 852**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 968** and **SCS** for **SB 969**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 1182**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 1182**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1548**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1548**.

HOUSE BILLS ON THIRD READING

Senator Scott moved that **HS** for **HCS** for **HB 1150**, with **SCS** and **SS No. 2** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HS** for **HCS** for **HB 1150**, as amended, was again taken up.

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1150, Pages 77-78, Section 1, by striking all of said section from the bill; and further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Scott moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HB 1150**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SS No. 2** for **SCS** for **HS** for **HCS** for **HB 1150**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bartle

Bland

Bray

Callahan

Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Maxwell assumed the Chair.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **SS** for **HS** for **HCS** for **HB 978**, as amended, and has taken up and passed **CCS No. 3** for **SS** for **HS** for **HCS** for **HB 978**.

CONFERENCE COMMITTEE REPORTS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HS** for **HCS** for **HB 978**, as amended, moved that the following conference committee report no. 3 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 3

ON SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 978

The Conference Committee appointed on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 978;
3. That the attached Conference Committee Substitute No. 3 for Senate Substitute for House Substitute for House Committee Substitute for House Bill No. 978, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Anita Yeckel
 /s/ Gary Nodler
 /s/ Delbert Scott
 /s/ Maida J. Coleman
 /s/ Harold Caskey

FOR THE HOUSE:

/s/ Neal St. Onge
 /s/ Brian Baker
 /s/ Richard Byrd
 /s/ Jim Seigfreid
 /s/ Trent Skaggs

Senator Yeckel moved that the above conference committee report no. 3 be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Quick--1
 Absent with leave--Senators--None

On motion of Senator Yeckel, **CCS No. 3** for **SS** for **HS** for **HCS** for **HB 978**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 3

FOR SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 978

An Act to repeal sections 324.010 and 536.010, RSMo, and to enact in lieu thereof seven new sections relating to small businesses.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Bland--1
 Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Klindt, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1182**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1182

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, with Senate Amendments Nos. 1, 2, 3, 4 and 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 1182;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1182, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Brian Munzlinger

/s/ Jim Guest

/s/ Steve Hobbs

/s/ Wes Shoemyer

/s/ Wayne Henke

FOR THE SENATE:

/s/ David G. Klindt

/s/ John Cauthorn

/s/ Delbert Scott

/s/ Joan Bray

/s/ Jim Mathewson

Senator Klindt moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Quick-- 1			
Absent with leave--Senators--None			

On motion of Senator Klindt, **CCS** for **SS** for **SCS** for **HCS** for **HB 1182**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1182

An Act to repeal sections 100.710, 100.850, 137.100, 144.030, 144.615, 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof eight new sections relating to tax credits, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Mathewson	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Mathewson	Scott--2		
	Absent with leave--Senators--None		

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

Senator Cauthorn, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1548**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1548

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 1548, with Senate Amendments Nos. 1, 2, 3, and 4, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1548, as amended;
2. That House recede from its position on House Bill No. 1548;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1548, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ John Cauthorn
/s/ David G. Klindt
/s/ Carl M. Vogel
/s/ Harold Caskey
/s/ Pat Dougherty

FOR THE HOUSE:

/s/ Bill Deeken
/s/ Larry Crawford
/s/ Richard Byrd
/s/ Jim Seigfreid
/s/ Gina Walsh

Senator Cauthorn moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senator Caskey--1		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Cauthorn, **CCS** for **SCS** for **HB 1548**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 1548

An Act to repeal sections 105.055, 386.135, and 610.028, RSMo, and to enact in lieu thereof four new sections relating to state employees.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HB 1339**, introduced by Represen-tative Cunningham (86), entitled:

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion information, regulations, and services for minors, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Loudon.

Senator Bray offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 1339, Page 3, Section 188.250, Line 6, by inserting immediately after "188.028" the following: ", **unless the minor is a victim of rape or incest**".

Senator Bray moved that the above amendment be adopted.

At the request of Senator Loudon, **HS** for **HB 1339**, with **SA 1** (pending), was placed on the Informal Calendar.

HCS for **HB 1209**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state dinosaur.

Was called from the Informal Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HCS** for **HB 1209** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel

Wheeler

Yeckel--34

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HCS** for **HB 1177** and has taken up and passed **SCS** for **HCS** for **HB 1177**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, as amended, and requests the Senate recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, as amended.

PRIVILEGED MOTIONS

Senator Yeckel requested unanimous consent of the Senate that the rules be suspended for the purpose of allowing the Senate to consider receding from its position on **SA 3** to **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, which request was granted.

Senator Yeckel moved that the Senate recede from its position on **SA 3** to **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, as amended by **SA 1**, **SA 2**, **SA 4** and **SA 5**, was 3rd read and finally passed by the following vote:

	YEAS--Senators		
Bland	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	
	NAYS--Senator Bartle--1		
	Absent--Senators		
Klindt	Mathewson--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Shields, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1453

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, with Senate Amendment Nos. 1, 2, 3, 4, 5, 6, 8, 9, 11, 13, 14, 15, 16, and 17, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1453;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1453, be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Charlie Shields
/s/ Norma Champion
/s/ Sarah H. Steelman
/s/ Pat Dougherty
/s/ Charles Wheeler

FOR THE HOUSE:

/s/ Catherine L. Hanaway
/s/ Bryan P. Stevenson
/s/ Mark Wright
/s/ Vicky Riback Wilson
/s/ Daniel P. Bishop

Senator Shields moved that the above conference committee report be adopted.

Senator Jacob was recognized to inquire of Senator Dougherty.

Senator Shields rose to be recognized.

The President inquired for what purpose.

Senator Shields stated he had a privileged motion - Shall the main question now be put?

The President inquired if Senator Jacob would yield for that motion.

Senator Jacob stated he would not.

Senator Shields raised the point of order that he was being denied the opportunity to make a privileged motion, which is always in order and asked that his point of order be referred to the President Pro Tem.

The President stated that the point of order would not be referred.

Senator Shields moved that the conference committee report on **SS** for **SCS** for **HS** for **HCS** for **HB 1453** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Mathewson--1		
	Absent with leave--Senators--None		

On motion of Senator Shields, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1453**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1453

An Act to repeal sections 26.740, 43.503, 43.530, 43.540, 135.327, 167.020, 192.016, 207.050, 207.060, 210.025, 210.102, 210.109, 210.110, 210.145, 210.150, 210.152, 210.153, 210.160, 210.183, 210.201, 210.211, 210.518, 210.565, 210.760, 210.903, 210.909, 211.031, 211.032, 211.059, 211.171, 211.181, 211.321, 302.272, 431.056, 452.375, 452.400, 452.402, 452.423, 452.455, 453.020, 453.025, 453.030, 453.060, 453.110, 475.024, 487.100, 491.075, 492.304, 537.046, and 701.336, RSMo, and to enact in lieu thereof seventy-nine new sections relating to foster care and protection of children, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Mathewson--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Mathewson--1			
Absent with leave--Senators--None			

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in Senate Amendment No. 1 to **HCS** for **HB 1093** and request the Senate to recede from its position on Senate Amendment No. 1 and take up and pass **HCS** for **HB 1093**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **HCS** for **SCR 35** and has taken up and passed **HCS** for **SCR 35**.

SENATE CONCURRENT RESOLUTION NO. 35

Relating to the renaming of a building at the Southeast Missouri Mental Health Center.

WHEREAS, the Southeast Missouri Mental Health Center is located near Farmington, Missouri; and

WHEREAS, the Center Building of the Southeast Missouri Mental Health Center has a bed capacity of one hundred eighty-six beds, plus forty beds in five adjacent group homes; and

WHEREAS, Southeast Missouri Mental Health Center maintains an Acute and Intermediate Care Unit and a Forensic Services Unit to provide a client environment that includes interdisciplinary treatment in the areas of psychiatry, psychiatric nursing, patient and family education, work therapy, a group home program, an interactive computer system, a fitness center and other services; and

WHEREAS, Danny Staples was a member of the House of Representatives for six years and a state Senator for twenty years representing the citizens of his district; and

WHEREAS, former Senator Danny Staples was a leader and instrumental in furthering the development of the Southeast Missouri Mental Health Center which provides treatment and care in the state of Missouri; and

WHEREAS, because of Senator Staples' efforts, the Southeast Missouri Mental Health Center is the modern treatment center that it is today; and

WHEREAS, Senator Staples deserves permanent recognition of his work on behalf of mental health treatment and care in the state of Missouri:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby designate that the Center Building at the Southeast Missouri Mental Health Center at Farmington in St. Francois County shall hereinafter be known as the "Danny Staples Building"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution, and if approved, notify the Director of the Missouri Department of Mental Health.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCR 51**.

Concurrent Resolution ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS**, as amended by **SAs 1, 2, 4 and 5** for **HS** for **HCS** for **HB 1195** and has taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HB 1195**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1045**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1045, Page 1, Section 574.065, Line 3, by inserting after all of said line the following:

"Any person who shall violate any provision of this section shall be guilty of a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense."; and

Further amend said page, lines 7-10, by deleting all of said lines; and

Further amend said bill, by changing section number from "574.065" to "565.095".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 1106** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 1106**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 884** and has taken up and passed **CCS** for **HCS** for **SB 884**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 758** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 758**.

Emergency clause defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1096**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SBs 1020, 889 and 869**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended, and has taken up and passed **HS** for **SS** for **SCS** for **SBs 1233, 840 and 1043**, as amended by the Conference Committee Report.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 1394**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SB 1394**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **HS** for **HCS** for **HB 1511** and has taken up and passed **SS** for **HS** for **HCS** for **HB 1511**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HB 1193** and has taken up and passed **SCS** for **HS** for **HB 1193**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS**, as amended, for **HS** for **HCS** for **HB 1207** and has taken up and passed **SS** for **HS** for **HCS** for **HB 1207**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCR 21** and has taken up and passed **SCS** for **HCR 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HS** for **HCS** for **HB 1433** and has taken up and passed **HS** for **HCS** for **HB 1433**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, for **HS** for **HB 1599** and has taken up and passed **SCS** for **HS** for **HB 1599**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HS** for **HCS** for **HB 1285** and has taken up and passed **SS** for **HS** for **HCS** for **HB 1285**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1403** and has taken up and passed **SCS** for **HCS** for **HB 1403**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 841** and has taken up and passed **SCS** for **HB 841**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2**, as amended, for **HCS** for **HB 980** and has taken up and passed **SS No. 2** for **HCS** for **HB 980**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS No. 2** for **SB 762**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS No. 2** for **SB 762**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS**, as amended, for **HS** for **HCS** for **HBs 1268** and **1211** and has taken up and passed **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 1268** and **1211**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 810**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1062**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 962**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 772**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 974**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1188**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 29**.

Joint Resolution ordered enrolled.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1988, regarding Wilkinson Fort Jones, Cape Girardeau, which was adopted.

Senator Kennedy offered Senate Resolution No. 1989, regarding Angela Crowe, which was adopted.

Senator Bartle offered Senate Resolution No. 1990, regarding James Aaron Burgess, Blue Springs, which was adopted.

Senator Bray offered Senate Resolution No. 1991, regarding Eileen Tamsky, University City, which was adopted.

Senator Shields offered Senate Resolution No. 1992, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Ward, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry D. Kennett, M.D., Columbia.

Senator Bland introduced to the Senate, Matthew Allen Bland Williams, Kansas City; and Matthew was made an honorary page.

On motion of Senator Gibbons, the Senate adjourned until 11:00 a.m., Thursday, May 20, 2004.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-THIRD DAY--THURSDAY, MAY 20, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

RESOLUTIONS

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 1993, regarding Tyler Alexander Becvar, Lone Jack, which was adopted.

On behalf of Senator Dougherty, Senator Gibbons offered Senate Resolution No. 1994, regarding HealthCare USA, which was adopted.

On behalf of Senator Days, Senator Gibbons offered Senate Resolution No. 1995, regarding Augustus Cotten, Jr., St. Louis, which was adopted.

On behalf of Senator Champion, Senator Gibbons offered Senate Resolution No. 1996, regarding Adam Gore Jenkins, Springfield, which was adopted.

On behalf of Senator Champion, Senator Gibbons offered Senate Resolution No. 1997, regarding Reverend Fred Elliott Robb, Springfield, which was adopted.

On behalf of Senator Champion, Senator Gibbons offered Senate Resolution No. 1998, regarding the upcoming nuptials of Mr. and Mrs. Jason Reeves, Springfield, which was adopted.

On behalf of Senator Yeckel, Senator Gibbons offered Senate Resolution No. 1999, regarding Jessica L. Jones, which was adopted.

On behalf of Senator Caskey, Senator Gibbons offered Senate Resolution No. 2000, regarding Brent A. Drake, which was adopted.

On behalf of Senator Caskey, Senator Gibbons offered Senate Resolution No. 2001, regarding Daniel P. Cook, which was adopted.

On behalf of Senator Bland, Senator Gibbons offered Senate Resolution No. 2002, regarding Reverend Spencer Francis Barrett, Kansas City, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 2003, regarding the One Hundredth Birthday of Goldie Donelson, Palmyra, which was adopted.

On behalf of Senator Cauthorn, Senator Gibbons offered Senate Resolution No. 2004, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Neuschafer, Center, which was adopted.

Senator Gibbons offered Senate Resolution No. 2005, regarding Grant R. Adkins, St. Louis, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 2006, regarding William L. "Bill" Smart,

Cole Camp, which was adopted.

On behalf of Senator Bartle, Senator Gibbons offered Senate Resolution No. 2007, regarding the Fiftieth Wedding Anniversary of Anthony and Madeline Lipari, Independence, which was adopted.

On behalf of Senator Caskey, Senator Gibbons offered Senate Resolution No. 2008, regarding Andrew Gregory R. Ramsay, Belton, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 2009, regarding Alex Stephen Eckard, which was adopted.

On behalf of Senator Griesheimer, Senator Gibbons offered Senate Resolution No. 2010, regarding Robert Patrick Adams, Villa Ridge, which was adopted.

On behalf of Senator Childers, Senator Gibbons offered Senate Resolution No. 2011, regarding Donna Hilton, Aurora, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 2012, regarding Major General Roger E. Combs, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 2013, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Lavelle Rickabaugh, Maryville, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 2014, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Glen Merritt, Savannah, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 2015, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Pyrtle, Chillicothe, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 2016, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert "Bob" Schulte, Maryville, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 2017, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Reeter, Chillicothe, which was adopted.

On behalf of Senator Klindt, Senator Gibbons offered Senate Resolution No. 2018, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Hall, Oregon, which was adopted.

On behalf of Senator Steelman, Senator Gibbons offered Senate Resolution No. 2019, regarding the Honorable Douglas E. Long, Jr., Waynesville, which was adopted.

On behalf of Senator Steelman, Senator Gibbons offered Senate Resolution No. 2020, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. David "Dave" Lackman, Westphalia, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 730**; **HCS** for **SS** for **SB 732**; **HCS** for **SS** for **SCS** for **SBs 740, 886 and 1178**; **SCS** for **SB 757**; **SCS** for **SB 767**; **HCS** for **SB 769**; **HCS** for **SCS** for **SB 782**; **SCS** for **SB 788**; **HCS** for **SB 824**; **SB 842**; **SCS** for **SB 859**; **HS** for **HCS** for **SB 870**; **SCS** for **SB 878**; **SB 899**; **SCS** for **SB 901**; **SB 920**; **SCS** for **SB 921**; **HCS** for **SCS** for **SBs 942, 850 and 841**; **HCS** for **SCS** for **SB 945** and **SBs 803 & 1257**; **SB 951**; **SCS** for **SB 952**; **SCS** for **SB 956**; **HCS** for **SS** for **SCS** for **SB 960**; **SCS** for **SB 992**; **HS** for **HCS** for **SS** for **SB 1000**; **SCS** for **SB 1006**; **HCS** for **SB 1012**; **SB 1055**; **SCS** for **SB 1078**; **HCS** for **SB 1080**; **SB 1083**; **SB 1086**; **HCS** for **SCS** for **SB 1091**; **HCS** for

SCS for SB 1093; CCS for HS for HCS for SS for SCS for SB 1099; SCS for SB 1100; SB 1107; SB 1111; SB 1123; SB 1130; HS for HCS for SCS for SB 1160; SCS for SB 1172; SCS for SB 1195; SCS for SB 1235; HCS for SB 1242; SB 1243; SB 1249; SCS for SB 1250; SCS for SB 1253; HCS for SB 1259; HCS for SS for SCS for SB 1279; SB 1285; HCS for SB 1299; SB 1302; SCS for SB 1304; SB 1320; and SCS for SB 1331, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for HS for HCS for SS for SCS for SB 730; HCS for SS for SB 732; HCS for SS for SCS for SBs 740, 886 and 1178; SCS for SB 757; SCS for SB 767; HCS for SB 769; HCS for SCS for SB 782; SCS for SB 788; HCS for SB 824; SB 842; SCS for SB 859; HS for HCS for SB 870; SCS for SB 878; SB 899; SCS for SB 901; SB 920; SCS for SB 921; HCS for SCS for SBs 942, 850 and 841; HCS for SCS for SB 945 and SBs 803 & 1257; SB 951; SCS for SB 952; SCS for SB 956; HCS for SS for SCS for SB 960; SCS for SB 992; HS for HCS for SS for SB 1000; SCS for SB 1006; HCS for SB 1012; SB 1055; SCS for SB 1078; HCS for SB 1080; SB 1083; SB 1086; HCS for SCS for SB 1091; HCS for SCS for SB 1093; CCS for HS for HCS for SS for SCS for SB 1099; SCS for SB 1100; SB 1107; SB 1111; SB 1123; SB 1130; HS for HCS for SCS for SB 1160; SCS for SB 1172; SCS for SB 1195; SCS for SB 1235; HCS for SB 1242; SB 1243; SB 1249; SCS for SB 1250; SCS for SB 1253; HCS for SB 1259; HCS for SS for SCS for SB 1279; SB 1285; HCS for SB 1299; SB 1302; SCS for SB 1304; SB 1320; and SCS for SB 1331,** having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for HS for HCS for SS for SCS for SB 730; HCS for SS for SB 732; HCS for SS for SCS for SBs 740, 886 and 1178; SCS for SB 757; SCS for SB 767; HCS for SB 769; HCS for SCS for SB 782; SCS for SB 788; HCS for SB 824; SB 842; SCS for SB 859; HS for HCS for SB 870; SCS for SB 878; SB 899; SCS for SB 901; SB 920; SCS for SB 921; HCS for SCS for SBs 942, 850 and 841; HCS for SCS for SB 945 and SBs 803 & 1257; SB 951; SCS for SB 952; SCS for SB 956; HCS for SS for SCS for SB 960; SCS for SB 992; HS for HCS for SS for SB 1000; SCS for SB 1006; HCS for SB 1012; SB 1055; SCS for SB 1078; HCS for SB 1080; SB 1083; SB 1086; HCS for SCS for SB 1091; HCS for SCS for SB 1093; CCS for HS for HCS for SS for SCS for SB 1099; SCS for SB 1100; SB 1107; SB 1111; SB 1123; SB 1130; HS for HCS for SCS for SB 1160; SCS for SB 1172; SCS for SB 1195; SCS for SB 1235; HCS for SB 1242; SB 1243; SB 1249; SCS for SB 1250; SCS for SB 1253; HCS for SB 1259; HCS for SS for SCS for SB 1279; SB 1285; HCS for SB 1299; SB 1302; SCS for SB 1304; SB 1320; and SCS for SB 1331, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 12,** having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for SS for SCS for HCS for HBs 795, 972, 1128 and 1161; SCS for HCS for HB 798; SCS for HB 822; SCS for HB 826 and HCS for HB 883; SS for SCS for HCS for HB 833; SS for SCS for HCS for HB 855; HB 869; HB 923; SCS for HCS for HB 928 and HCS for HB 1123 and HCS for HB 1280; HCS for HB 947; CCS No. 2 for SCS for HCS for HB 959; SCS for HB 960; HB 970; HB 975; HCS for HB 985; HCS for HB 988; SCS for HB 996 and HB 1142 and HCS for HB 1201 and HB 1489; SS for HCS for HBs 998 and 905; CCS for SCS for HS for HCS for HB 1002; CCS for SCS for HS**

for **HCS for HB 1003; CCS for SCS for HS for HCS for HB 1004; CCS for SCS for HS for HCS for HB 1005; CCS for SCS for HS for HCS for HB 1006; CCS for SCS for HS for HCS for HB 1007; CCS for SCS for HS for HCS for HB 1008; CCS for SCS for HS for HCS for HB 1009; CCS for SCS for HS for HCS for HB 1010; CCS for SCS for HS for HCS for HB 1011; CCS for SCS for HS for HCS for HB 1012; SS for SCS for HS for HB 1021; SCS for HB 1029 and HB 1438 and HB 1610; HB 1047; CCS for SS for HCS for HB 1055; HB 1070; SCS for HBs 1071, 801, 1275 and 989; HCS for HBs 1074 and 1129; HCS for HB 1090;**

HCS for HB 1099; HB 1107; HB 1114; HCS for HB 1115; HB 1126; SCS for HCS for HB 1136; HB 1167; HCS for HB 1171; HB 1187; SCS for HB 1188; SCS for HCS for HB 1192; SCS for HS for HB 1193; HCS for HB 1198; SCS for HCS for HB 1215; SCS for HB 1217; HCS for HB 1233; HCS for HB 1246; SCS for HCS for HB 1253; HB 1259; HCS for HB 1284; SCS for HS for HCS for HB 1290; HB 1291; HB 1317; SCS for HCS for HB 1321; HCS for HB 1347; HB 1362; HCS for HB 1363; HB 1364; HB 1377; HB 1398; HCS for HB 1399; HCS for HB 1405; HB 1407; HCS for HB 1422; SCS for HB 1440; HB 1444; HCS for HB 1449; SCS for HCS for HB 1456 and HB 824; CCS for HS for HB 1487; HB 1494; HB 1502; HB 1508; HCS for HBs 1529 and 1655; SCS for HS for HB 1599; HB 1603; SCS for HB 1613, HB 1445, HB 1454, HB 1462, HCS for HB 1471, HB 1608, HB 1612 and HB 1635; HCS for HB 1614; HB 1616; HB 1622; SCS for HB 1634; SCS for HCS for HB 1660; and HB 1664, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Friday, May 28, 2004.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FOURTH DAY--FRIDAY, MAY 28, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

RESOLUTIONS

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 2021, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. George Roberts, Silex, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 2022, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Schluckebier, Palmyra, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 2023, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Milton Muehring, Hannibal, which was adopted.

On behalf of Senator Bland, Senator Yeckel offered Senate Resolution No. 2024, regarding LaTanya Denise Reynolds, Kansas City, which was adopted.

On behalf of Senator Wheeler, Senator Yeckel offered Senate Resolution No. 2025, regarding the Supplemental Instruction Program at the University of Missouri-Kansas City, which was adopted.

On behalf of Senator Dougherty, Senator Yeckel offered Senate Resolution No. 2026, regarding Tom Herd, St. Louis, which was adopted.

On behalf of Senator Loudon, Senator Yeckel offered Senate Resolution No. 2027, regarding Dr. John B. Heskett, which was adopted.

On behalf of Senator Vogel, Senator Yeckel offered Senate Resolution No. 2028, regarding Robert E. Beck, Jefferson City, which was adopted.

On behalf of Senator Days, Senator Yeckel offered Senate Resolution No. 2029, regarding Robert J. Lee, Jr., Normandy, which was adopted.

On behalf of Senator Griesheimer, Senator Yeckel offered Senate Resolution No. 2030, regarding Nathan Watson, which was adopted.

On behalf of Senator Griesheimer, Senator Yeckel offered Senate Resolution No. 2031, regarding Devin C. Hawkins, which was adopted.

On behalf of Senator Griesheimer, Senator Yeckel offered Senate Resolution No. 2032, regarding Greg Voss, Washington, which was adopted.

On behalf of Senator Griesheimer, Senator Yeckel offered Senate Resolution No. 2033, regarding Michael Patrick Mohan, St. Clair, which was adopted.

On behalf of Senator Vogel, Senator Yeckel offered Senate Resolution No. 2034, regarding James "Dale" Schrimpf, Jefferson City, which was adopted.

On behalf of Senator Steelman, Senator Yeckel offered Senate Resolution No. 2035, regarding the Honorable John D. Wiggins, Rolla, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 2036, regarding Mr. and Mrs. Tom Wilson, Hannibal, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 2037, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Spalding, Monroe City, which was adopted.

On behalf of Senator Vogel, Senator Yeckel offered Senate Resolution No. 2038, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. William Clarkston, Jefferson City, which was adopted.

On behalf of Senator Kennedy, Senator Yeckel offered Senate Resolution No. 2039, regarding Dianne Mardis, St. Louis County, which was adopted.

On behalf of Senator Kennedy, Senator Yeckel offered Senate Resolution No. 2040, regarding Pat LeSage, Kirkwood, which was adopted.

On behalf of Senator Kennedy, Senator Yeckel offered Senate Resolution No. 2041, regarding Vera Miller, Florissant, which was adopted.

On behalf of Senator Kennedy, Senator Yeckel offered Senate Resolution No. 2042, regarding Emma Teague, Normandy, which was adopted.

On behalf of Senator Bartle, Senator Yeckel offered Senate Resolution No. 2043, regarding the Honorable Gregory O. Grounds, Blue Springs, which was adopted.

On behalf of Senator Loudon, Senator Yeckel offered Senate Resolution No. 2044, regarding Life Skills Foundation, St. Louis, which was adopted.

On behalf of Senator Gross, Senator Yeckel offered Senate Resolution No. 2045, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gordon Hillmann, St. Peters, which was adopted.

On behalf of Senator Cauthorn, Senator Yeckel offered Senate Resolution No. 2046, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Hills, Monroe City, which was adopted.

On behalf of Senator Vogel, Senator Yeckel offered Senate Resolution No. 2047, regarding Shepherdsfield Community Church, Callaway County, which was adopted.

On behalf of Senator Shields, Senator Yeckel offered Senate Resolution No. 2048, regarding James Sisco, St. Joseph, which was adopted.

On behalf of Senator Shields, Senator Yeckel offered Senate Resolution No. 2049, regarding Joseph Sisco, St. Joseph, which was adopted.

On behalf of Senator Shields, Senator Yeckel offered Senate Resolution No. 2050, regarding Bradley Schiermeyer, St.

Joseph, which was adopted.

On behalf of Senator Shields, Senator Yeckel offered Senate Resolution No. 2051, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Rodney Roepe, Alma, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, Senator Yeckel submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **CCS for HCS for SCS for SB 758; CCS for HS for HCS for SCS No. 2 for SB 762; SB 772; HCS for SCS for SB 799; SB 807; SCS for SB 810; CCS for HCS for SB 884; SCS for SB 962; SB 966; CCS for HS for HCS for SS for SCS for SB 968 and SCS for SB 969; HCS for SCS for SB 972; SCS for SB 974; SCS for SB 987; CCS for HS for HCS for SCS for SBs 1020, 889 and 869; SCS for SB 1040; SCS for SB 1062; CCS for HS for HCS for SS for SCS for SB 1081; SCS for SB 1096; CCS for HCS for SCS for SB 1106; HCS for SB 1114; HS for HCS for SS for SS for SCS for SB 1122; HS for SCS for SB 1155; HCS for SCS for SB 1181; SCS for SB 1188; HS for SCS for SB 1196; HCS for SB 1211; HS for SS for SCS for SBs 1233, 840 and 1043; HCS for SCS for SB 1247; HCS for SB 1274; HCS for SB 1329; HCS for SCS for SB 1365; CCS for HS for HCS for SB 1394; and SJR 29**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS for HCS for SCS for SB 758; CCS for HS for HCS for SCS No. 2 for SB 762; SB 772; HCS for SCS for SB 799; SB 807; SCS for SB 810; CCS for HCS for SB 884; SCS for SB 962; SB 966; CCS for HS for HCS for SS for SCS for SB 968 and SCS for SB 969; HCS for SCS for SB 972; SCS for SB 974; SCS for SB 987; CCS for HS for HCS for SCS for SBs 1020, 889 and 869; SCS for SB 1040; SCS for SB 1062; CCS for HS for HCS for SS for SCS for SB 1081; SCS for SB 1096; CCS for HCS for SCS for SB 1106; HCS for SB 1114; HS for HCS for SS for SS for SCS for SB 1122; HS for SCS for SB 1155; HCS for SCS for SB 1181; SCS for SB 1188; HS for SCS for SB 1196; HCS for SB 1211; HS for SS for SCS for SBs 1233, 840 and 1043; HCS for SCS for SB 1247; HCS for SB 1274; HCS for SB 1329; HCS for SCS for SB 1365; CCS for HS for HCS for SB 1394; and SJR 29**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCS for SS for SCR 26; and SCR 51**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for HB 841; HB 904; SCS for HB 938; CCS No. 3 for SS for HS for HCS for HB 978; SS No. 2 for HCS for HB 980; HB 994; HB 1149; SCS for HCS for HB 1177; HCS for HB 1179; CCS for SS for SCS for HCS for HB 1182; SS for SCS for HS for HCS for HB 1195; SS for HS for HCS for HB 1207; HCS for HB 1209; SS No. 2 for SCS for HS for HCS for HBs 1268 and 1211; SS for HS for HCS for HB 1285; CCS for SS for SCS for HCS for HB 1288; SCS for HCS for HB 1403; HB 1427; HS for HCS for HB 1433; HB 1442; CCS for SS for SCS for HS for HCS for HB 1453; SS for HS for HCS for HB 1511; CCS for SCS for HB 1548; CCS for HCS for HB 1617; and HCS for HBs 1631 and 1623**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made,

the bills were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCS for HCR 21**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

On motion of Senator Yeckel, the Senate recessed for 15 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

BILLS DELIVERED TO THE SECRETARY OF STATE

SJR 29, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

BILLS DELIVERED TO THE GOVERNOR

CCS for HCS for SCS for SB 758; CCS for HS for HCS for SCS No. 2 for SB 762; SB 772; HCS for SCS for SB 799; SB 807; SCS for SB 810; CCS for HCS for SB 884; SCS for SB 962; SB 966; CCS for HS for HCS for SS for SCS for SB 968 and SCS for SB 969; HCS for SCS for SB 972; SCS for SB 974; SCS for SB 987; CCS for HS for HCS for SCS for SBs 1020, 889 and 869; SCS for SB 1040; SCS for SB 1062; CCS for HS for HCS for SS for SCS for SB 1081; SCS for SB 1096; CCS for HCS for SCS for SB 1106; HCS for SB 1114; HS for HCS for SS for SS for SCS for SB 1122; HS for SCS for SB 1155; HCS for SCS for SB 1181; SCS for SB 1188; HS for SCS for SB 1196; HCS for SB 1211; HS for SS for SCS for SBs 1233, 840 and 1043; HCS for SCS for SB 1247; HCS for SB 1274; HCS for SB 1329; HCS for SCS for SB 1365; and CCS for HS for HCS for SB 1394, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR

HCS for SS for SCR 26; and SCR 51, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 27, 2004

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099 entitled:

AN ACT

To repeal sections 21.810, 32.057, 135.215, 173.196, 173.796, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof sixteen new sections relating to tax credits, with penalty provisions.

On May 27, 2004, I approved said Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Yeckel, the Senate adjourned sine die, pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

Journal of the Senate
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STATE OF MISSOURI
SECOND REGULAR SESSION

VETO SESSION

FIRST DAY--WEDNESDAY, SEPTEMBER 15, 2004

The Senate was called to order in Veto Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"Keep alert, stand firm in your faith, be courageous, be strong. Let all that you do be done in love." (I Corinthians 16:15)

Gracious God, we gather, each to play out our part in this legislative process, to vote our conscience and be loyal to our core beliefs; in this we ask Your guidance. We remember Senator Wiggins and sadly commend him to Your eternal care. Bless him and comfort us who cared for him. And we pray for those who leave us and we are thankful for the public service they have given. And we ask Your blessings on each of us and the work that we do here this day. Amen.

The Pledge of Allegiance to the Flag was recited.

Photographers from the Associated Press, KRCG-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel--32
	Absent with leave--Senators--None		
	Vacancies--2		
	The Lieutenant Governor was present.		

The Senate observed a moment of silence in memory of the late Senator Harry Wiggins.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-Second General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Ninety-Second General Assembly.

Senators Russell and Goode offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize Marty Drewel, Director of the Senate Appropriations Staff, who received the prestigious Missouri Public Administrator of the Year Award in May 2004; and

WHEREAS, the Missouri Institute of Public Administration Award for Outstanding Contributions to Public Administration, or the "Administrator of the Year" award, is presented annually to the person or organization who is involved in the public administration field in Central Missouri; and

WHEREAS, Marty Drewel began his long and illustrious career with the State of Missouri in the Office of Administration in September 1981, and joined the Senate Appropriations Staff in February 1994; and

WHEREAS, following a brief stint with the Missouri Department of Mental Health in 1997, Marty Drewel returned to Senate Appropriations as Director in 1997; and

WHEREAS, a devout member of the First Baptist Church in Jefferson City where he coaches church league basketball, Marty Drewel derives a tremendous amount of satisfaction from a long list of hobbies which include cycling, playing golf and volleyball, gardening, and hunting; and

WHEREAS, Marty Drewel has been abundantly blessed with the love and admiration of a wonderful family whose members include his devoted wife, Debi; his two children, Ryan and Ashley; and his granddaughter, Kadence:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in extending our most hearty congratulations to Marty Drewel upon his most worthy receipt of the Missouri Public Administrator of the Year Award, and in wishing him only the very best of success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Marty Drewel, as a mark of our esteem for him.

Senators Caskey, Scott and Mathewson offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 4

WHEREAS, Whiteman Air Force Base is home to America's premier bomber, the B-2, and other critical military missions; and

WHEREAS, the personnel of Whiteman AFB are serving and have served with distinction in Operation Iraqi Freedom and numerous other military operations around the world; and

WHEREAS, no other base could handle the support for the B-2 Bomber as well as Whiteman AFB and the surrounding communities; and

WHEREAS, Whiteman AFB has the capacity to grow and include new missions; and

WHEREAS, Whiteman AFB employs more than 7,000 active duty military, civilians, and reservists who have a tremendous positive impact on the security of our nation and the quality of life in Missouri; and

WHEREAS, there are more than 3,400 retirees in the region who depend on Whiteman AFB for medical and other important services; and

WHEREAS, Whiteman AFB serves as a vital economic engine to the region and provides quality employment both on and off the base; and

WHEREAS, the region surrounding Whiteman AFB benefits enormously from the construction occurring both on and off the base; and

WHEREAS, the value to Missouri from all the above contributions represents a total economic benefit of more than \$414 million, including \$211.5 million from total payroll, \$62.9 million from the retiree payroll, \$77.4 million from base expenditures, and \$62.6 million estimated value of jobs created by Whiteman AFB; and

WHEREAS, the personnel of Whiteman AFB have contributed not only economically but with dedication and compassion to the nearby communities, including donating hundreds of volunteer hours, hundreds of pints of blood, and contributing enormously to the charities of the Combined Federal Campaign:

NOW THEREFORE BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session Veto Session, hereby urge the President of the United States, the United States Secretary of Defense, the Base Realignment and Closure Commission, and the United States Congress to maintain Whiteman AFB as the vital base that it is and expand its missions as appropriate.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 6, 2004

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Substitute for Senate Concurrent Resolution No. 26, relating to the Forestry Utilization Committee.

I disapprove of House Committee Substitute for Senate Substitute for Senate Concurrent Resolution No. 26. My reasons for disapproval are as follows:

The Forestry Utilization Committee which would be established by this resolution is poorly structured and unlikely to achieve its goals. Before establishing any new state board or commission, care must be taken to ensure that it has sufficient representation of all interested parties and groups, and that it does not have too many members to do its work effectively. I am concerned that this resolution (and its companion resolution from the House) do not meet either of these criteria. For example, as established by this resolution, the committee would have 27 members; a number that could be cumbersome if the structure of the committee has not received careful thought. Further, this number of members conflicts with the number provided in the companion resolution, strengthening my sense that more careful consideration of the composition of this committee is needed.

This resolution provides for the direct appointment of committee members by private, non-governmental organizations. This approach is undesirable. Members of state boards and commissions are frequently chosen to represent private sector interests, but the actual power to appoint should be reserved to the state.

This resolution also provides that funding for the committee would come out of the Office of Administration's budget. With agency budgets so closely scrutinized for appropriate spending, I find this approach misguided. The Departments of Conservation, Agriculture, and Natural Resources are the more appropriate agencies to oversee the committee budget and staffing needs.

In short, while the purpose of this resolution seems noble and worthwhile, I believe that practical considerations merit a rethinking of the proper approach. I look forward to working with interested parties to establish an appropriately-constituted Forestry Utilization Committee, and will be pleased to sign an Executive Order establishing the Committee once these issues are resolved.

For all of the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Substitute for Senate Concurrent Resolution No. 26 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 2, 2004

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799 entitled:

AN ACT

To repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof eight new sections relating to miscarriages and stillbirths.

I disapprove of said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799. My reasons for disapproval are as follows:

House Committee Substitute for Senate Committee Substitute for SB No. 799 is almost identical to Senate Committee Substitute for House Committee Substitute for House Bill No. 1136. I have signed Senate Committee Substitute for House Committee Substitute for HB No. 1136 today. House Committee Substitute for Senate Committee Substitute for SB No. 799 contains a minor drafting difference from Senate Committee Substitute for House Committee Substitute for House Bill No. 1136. House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799 requires stillbirth procedures at every "hospital, outpatient birthing clinic, and any other health care facility." (Sections 194.384 and 194.387) Senate Committee Substitute for House Committee Substitute for House Bill No. 1136 requires stillbirth procedures at every "hospital, outpatient clinic, and any other health care facility." (Sections 194.384 and 194.387) The word "birthing" in House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799 was omitted between outpatient and clinic. As a result, signing House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799 would likely cause the Revisor of Statutes to print in the Missouri Revised Statutes two versions of section 194.384 and two versions of section 194.387. In addition, insertion of the word "birthing" in House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799 may require outpatient clinics that do not handle fetal remains to adopt standards that will never be used.

For all of the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799 without my approval.

Sincerely,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 6, 2004

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081 entitled:

AN ACT

To amend chapter 431, RSMo, by adding thereto eight new section relating to resolution of disputes concerning alleged defective residential construction.

I disapprove of said Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081. My reasons for disapproval are as follows:

- Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081 fails to adequately protect consumers.

Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081 places unreasonable obstacles that will prevent or delay homeowners from exercising their legal rights as a result of a homebuilder's mistake or malfeasance. This bill puts an undue burden on homeowners, requiring them to wait up to three to six months before being made whole. These delays could cause considerable health or safety risks. Further, they are not justified because homeowners are typically forced to file lawsuits only after all other means of informal resolution have proven fruitless.

II. Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081 gives unwarranted protections that tip the scales of justice against homeowners.

While it is a laudable goal to resolve disputes without litigation, this bill puts consumers at a distinct and unjustified disadvantage. Many homeowners do not have the know-how or legal tools to address construction defects, and this legislation would only further hinder their ability to rectify a homebuilder's mistake. This is especially troubling in light of the fact that many working-class Missourians are in the process of becoming first-time homebuyers as a result of moderately low interest rates. Many homeowners could be uncomfortable following the complicated requirements in this bill and will be forced to hire an attorney to assist them. Otherwise, homeowners who miss one of the many deadlines in the bill or fail to navigate the complicated procedures the bill mandates would have their lawsuits dismissed.

Additionally, forcing mediation upon two parties in unequal bargaining positions clearly puts the contractor in a distinct advantage over the homeowner. Mediation is an appropriate and important form of alternative dispute resolution, but consumers should not be forced into it in these circumstances. Mandatory mediation, where parties with unequal leverage are involved, is unproductive, particularly in small construction disputes where the cost of mediation could exceed the value of the claim. The mediation mandate in this bill, moreover, is flawed because it does not require either party to send a negotiator authorized to enter into a settlement. This creates a substantial and undesirable risk of bad-faith negotiation.

III. Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081 may violate the open courts provisions of the Missouri Constitution's Bill of Rights.

Provisions in this legislation contain procedural hurdles that, without adequate justification, delay the claimant from filing a lawsuit against a contractor. Article 1, Section 14 of the Missouri Constitution provides, "That the court of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay." Missouri's judicial branch has historically set high standards when evaluating the constitutionality of mandatory pre-filing procedures. Certain aspects of this bill may very well fail to satisfy the courts' standards.

For all of the above stated reasons for disapproval, I am returning Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 2, 2004

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 1111 entitled:

AN ACT

To repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

I disapprove of Senate Bill No. 1111. My reason for disapproval is as follows:

This bill conflicts with Senate Committee Substitute for House Committee Substitute for House Bill No. 798 which I intend to sign and which effectuates the provisions of Senate Bill No. 1111 in that Grundy County falls within the scope of Senate Committee Substitute for House Committee Substitute for House Bill No. 798. Thus, there is no need to have the conflict in the statutes.

For the above stated reason for disapproval, I am returning Senate Bill No. 1111 without my approval.

Respectfully submitted,

Bob Holden

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 2, 2004

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 1304 entitled:

AN ACT

Relating to reimbursement from the special allocation fund for emergency services.

I disapprove of said Senate Committee Substitute for Senate Bill No. 1304. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 1304 is almost identical to House Committee Substitute for House Bill Nos. 1529 & 1655. I have signed House Committee Substitute for House Bill Nos. 1529 & 1655 today. The language in House Committee Substitute for House Bill Nos. 1529 & 1655 specifically excludes existing projects while Senate Committee Substitute for Senate Bill No. 1304 does not. As a result, signing Senate Committee Substitute for Senate Bill No. 1304 would likely cause the Revisor of Statutes to print in the Missouri Revised Statutes two inconsistent versions of the amended section in two different places in Chapter 99. Thus, signing both bills would only create confusion for local entities. In addition, the section of law contained in both bills was last amended in 2002 by Senate Bill No. 1107, which was recently found to be

in violation of the Missouri Constitution by the Cole County Circuit Court. The court struck down Section 99.847, as enacted by Senate Bill No. 1107 because the bill contained too many subjects. The bills passed in 2004 place the 2002 changes back in state statute. House Committee Substitute for House Bill Nos. 1529 & 1655 more closely aligns with the original language that I approved in the 2002 bill, which also excluded existing projects.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 1304 without my approval.

Sincerely,

Bob Holden

Governor

Senator Gibbons moved that the Senate proceed to the order of business, Vetoed Bills, and that the calendar be called, which motion prevailed.

HCS for **SS** for **SCR 26** was called thereafter and no motion was taken thereon.

HCS for **SCS** for **SB 799** was called thereafter and no motion was taken thereon.

Senator Kinder moved that **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 1081** be passed, the objections of the Governor thereto notwithstanding, which motion failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators			
Bartle	Callahan	Cauthorn	Champion
Childers	Clemens	Dolan	Gibbons
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel--21			
NAYS--Senators			
Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Mathewson
Quick	Stoll	Wheeler--11	
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--2			

SB 1111 was called thereafter and no motion was taken thereon.

SCS for **SB 1304** was called thereafter and no motion was taken thereon.

RESOLUTIONS

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 5

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of House Committee Substitute for Senate Substitute for Senate Concurrent Resolution No. 26; House Committee Substitute for Senate Committee Substitute for Senate Bill No. 799; Senate Bill No. 1111; and Senate Committee Substitute for Senate Bill No. 1304 when the bills were so called by the President.

Senator Klindt offered Senate Resolution No. 6, regarding Bob Williams, Oregon, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

August 17, 2004

The Honorable Bob Holden

Governor

State of Missouri

State Capitol Bldg., Room 216

Jefferson City, Missouri 65101

Dear Governor Holden:

Effective at 1:30 p.m. this date, I resign as 19th district Senator.

Yours truly,

/s/ Ken Jacob

Ken Jacob

Also,

September 9, 2004

Honorable Bob Holden

Governor of Missouri

State Capitol Building

Jefferson City, MO 65101

Dear Governor Holden:

Affective at 8:30 a.m. today, I hereby resign my office as State Senator from the 25th District.

Most sincerely,

/s/ Bill Foster

Senator Bill Foster

Also,

June 16, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Interim Committee on Multimodal Transportation Services

Dear Terry:

Pursuant to SS/SCR 47, I am appointing the following senators to the Joint Interim Committee on Multimodal Transportation Services:

Senator John E. Griesheimer, Chairman

Senator Michael R. Gibbons

Senator Carl Vogel

Senator Joan Bray

Senator Charles B. Wheeler

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

June 16, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Interim Committee on Underage Drinking

Dear Terry:

Pursuant to HCS/SS/SCR 36, I am appointing the following senators to the Joint Interim Committee on Underage Drinking:

Senator Michael Gibbons, Chair

Senator John Griesheimer

Senator Maida Coleman

Senator Patrick Dougherty

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

June 30, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Hazardous Waste Generators and Hazardous Waste Facilities

Dear Terry:

Pursuant to Senate Bill 1040, I am appointing the following senators to the Joint Committee on Hazardous Waste Generators and Hazardous Waste Facilities:

Senator John E. Griesheimer

Senator John Russell

Senator John Cauthorn

Senator Patrick Dougherty

Senator Joan Bray

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

June 30, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Committee on Solid Waste

Dear Terry:

Pursuant to Senate Bill 1040, I am appointing the following senators to the Joint Committee on Solid Waste:

Senator John E. Griesheimer

Senator Bill Foster

Senator David Klindt

Senator Patrick Dougherty

Senator Steve Stoll

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

July 16, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Small Business Regulatory Fairness Board

Dear Terry:

Pursuant to House Bill 978, I am appointing Senator Anita Yeckel to the Small Business Regulatory Fairness Board.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

July 20, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Interim Committee on Teacher Support, Regulatory Reduction and Accountability

Dear Terry:

Pursuant to Senate Concurrent Resolution 37, I am appointing the following senators to the Joint Interim Committee on Teacher Support, Regulatory Reduction and Accountability:

Senator Charles Shields, Chair

Senator Matt Bartle

Senator John Russell

Senator Steve Stoll

Senator Joan Bray

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

July 28, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment of Joint Interim Committee on Veterans' Issues

Dear Terry:

Pursuant to Senate Rule 31 of the Missouri Senate, I am appointing the following senators to the Joint Interim Committee on Veterans' Issues:

Senator Peter Kinder, Chairman

Senator John Cauthorn

Senator Delbert Scott

Senator Harry Kennedy

Senator Ken Jacob

Thank you for your assistance in this matter.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

August 20, 2004

Mrs. Terry Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Ken Jacob, I am hereby appointing Senator Maida Coleman to serve as a member of the Administration Committee.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

September 1, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Interim Committee on Violent and Other Crime

Dear Terry:

Pursuant to Senate Resolution No. 1451, I am appointing the following Senators to the Interim Committee on Violent and other Crime:

Senator Anita Yeckel, Chair

Senator Jon Dolan

Senator Matt Bartle

Senator Charles Wheeler

Senator Stephen Stoll

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

September 2, 2004

Mrs. Terry Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Ken Jacob, I am hereby appointing Senator Charles B. Wheeler to serve as a member of the Joint Interim Committee on Veterans' Issues.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

September 2, 2004

Mrs. Terry Spieler

Secretary of the Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Terry:

Due to the resignation of Senator Ken Jacob, I am hereby appointing Senator Victor Callahan to serve as a member of the Joint Committee on Gaming and Wagering.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

September 10, 2004

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

RE: Appointment to Joint Advisory Committee on Tobacco Securitization

Dear Terry:

Pursuant to Section 8.595, I am appointing Senator Maida Coleman to the Joint Advisory Committee on Tobacco Securitization.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Gil Schellman, St. Thomas.

Senator Loudon introduced to the Senate, the Class 4 High School State Championship Chaminade Red Devils Golf Team, Coach Jim Prag, Justin Bardgett, Zach Pranger and Justin Manion, St. Louis County.

Senator Coleman introduced to the Senate, Mrs. J.B. "Jet" Banks, St. Louis.

Senator Champion introduced to the Senate, Tracee and Misty Tollett, Texas; Jeromy Gambling, Poplar Bluff; and Nathan Schaepe, Nebraska.

Senator Kennedy introduced to the Senate, Becky James-Hatter, Ke'Sheara Ross and Bill Smith, St. Louis; and eighty Big Brothers and Big Sisters from around the state.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Thursday, September 16, 2004.

Journal of the Senate

SECOND REGULAR SESSION

VETO SESSION

SECOND DAY--THURSDAY, SEPTEMBER 16, 2004

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Senator Childers offered the following prayer:

Father, we are thankful for this day. We are thankful for our Senate family and thankful for the memories of those we have lost from our Senate family. We are grateful for the opportunity to be here, which for many of us is our last day of session. We ask then, You would bless us and be with us this day and be with us in our travels. All this we ask in Jesus name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel--31	

Absent with leave--Senator Champion--1

Vacancies--2

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 7, regarding Mel Sims, which was adopted.

Senator Cauthorn offered Senate Resolution No. 8, regarding Lovegreen Motor Company, Palmyra, which was adopted.

Senators Kinder and Coleman offered Senate Resolution No. 9, regarding Miss USA Shandi Finnessey, Florissant, which was adopted.

Senator Stoll offered Senate Resolution No. 10, regarding Lillian Haefner Mangelsdorf, which was adopted.

Senator Loudon offered Senate Resolution No. 11, regarding the Holy Infant Church, Ballwin, which was adopted.

Senator Quick offered Senate Resolution No. 12, regarding Patrick Alan Burkett, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 13, regarding Jacob Michael Pointer, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 14, regarding Jacob Preston Staves, Liberty, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED that the Chief Clerk of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2004 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes

on **HCR 5**, **SCS** for **HCR 21**, **CCS** for **SCS** for **HS** for **HCS** for **HB 1005**, **HCS** for **HB 1099**, **SCS** for **HCS** for **HB 1177** and **HCS** for **HB 1614** when the bills were called by the Speaker.

INTRODUCTIONS OF GUESTS

President Pro Tem Kinder introduced to the body, Miss USA Shandi Finnessey, Florissant, who assumed the dais and addressed the members of the Senate.

President Pro Tem Kinder assumed the Chair.

Senator Mathewson introduced to the Senate, Betty Kirchoff, her daughters, Rhonda and David Meyer, and their children, Caitlin and Cameron; and Paula and Ken Wolken, and their children, John and Jacob; Roger and Dorothy Kirchoff, and Jim and Judy Gibler, California; and Gail and Joyce Kirchoff, Frankfort, Michigan.

Senator Mathewson introduced to the Senate, former Governor Roger Wilson, Columbia.

On motion of Senator Gibbons, the Senate of the Veto Session of the Second Regular Session of the 92nd General Assembly adjourned sine die, pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

